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EXEMPTING BARGES FROM COMPULSORY PILOTAGE

HEARINGS

BEFORE THE

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

HOUSE OF REPRESENTATIVES

SIXTY-FOURTH CONGRESS

FIRST SESSION

ON

H. R. 9678

**A BILL TO EXEMPT FROM COMPULSORY PILOTAGE THE
BARGES WHILE IN TOW OF STEAM VESSELS
NAVIGATED BY GOVERNMENT PILOTS**

FEBRUARY 1, 8, 9, AND 23, 1916



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APR 28 1916

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EXEMPTING BARGES FROM COMPULSORY PILOTAGE.

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., February 1, 1916.

The committee met at 10.30 o'clock a. m., Hon. Joshua W. Alexander (chairman) presiding.

The CHAIRMAN. The hearing this morning is on H. R. 9678, a bill to exempt from compulsory pilotage the barges while in tow of steam vessels navigated by Government pilots, which was introduced by Representative Small, which reads as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section forty-four hundred and forty-four of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

"Sec. 4444. No State or municipal government shall impose upon pilots of steam vessels any obligation to procure a State or other license in addition to that issued by the United States, or any other regulation which shall impede such pilots in the performance of the duties required by this title; nor shall any pilotage charges be levied by any such authority upon any steamer piloted as provided by this title, nor upon any barge in tow of such a steam vessel; and in no case shall the fee charged for the pilotage of any steam vessel, or barges in tow thereof, exceed the customary or legally established rates in the State where the same is performed.

"And any barge when in tow of a steam vessel, piloted as required by this title, shall be exempt from any obligation to pay pilotage unless the services of a pilot be accepted by such barge.

"Nothing in this title shall be construed to annul or affect any regulation established by the laws of any State requiring vessels entering or leaving a port in any such State, other than coastwise steam vessels and barges in tow thereof, to take a pilot duly licensed or authorized by the laws of such State or of a State situate upon the waters of such State."

SEC. 2. That this act shall take effect and be in force from and after its passage.

MR. LAZARO. Mr. Chairman, I have a telegram from Mayor Behrman, mayor of the city of New Orleans, addressed to Senator Broussard. Senator Broussard has asked me to present this telegram to the committee and desires that it be read, and if there is no objection I will read it at this time:

Important city affairs demand my presence in New Orleans at this time and make it impossible for me to appear before committee for hearing on Congressman Small's pilot bill. Suggest that you impress upon the committee that vital interests of port of New Orleans will be seriously affected by the passage of this bill and urge postponement.

It is signed by Martin Behrman, mayor.

I understand that Mayor Behrman and Senator Broussard would like to be heard, as well as others of the city of New Orleans, but that it is impossible for them to be present this morning.

The CHAIRMAN. In that connection, I desire to state that the different organizations which have expressed a wish to be heard on

this bill have all been notified repeatedly since my attention was first called to this bill and since it was set down for hearing to-day, that the hearings would be continued from time to time and that every one interested in the bill, whether for or against it, would have a reasonable opportunity to be heard.

If there is no objection, we will proceed with the hearings this morning and then they will be continued from time to time at the pleasure of the committee.

STATEMENT OF HON. JOHN H. SMALL, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NORTH CAROLINA.

Mr. SMALL. Mr. Chairman and gentlemen, I will make a brief statement. This bill amends section 4444 of the Revised Statutes. Simply stated, the purpose of the bill is to have legislation by Congress exempting barges in the coastwise trade in tow of tugs from compulsory pilotage. This is a subject of which the States and the United States have concurrent jurisdiction. Until Congress asserts its jurisdiction, however, it lies within the power of the States to regulate the matter of pilotage. Congress has heretofore asserted this jurisdiction in several respects, notably in 1871, by the enactment of a law which exempted all steamers in the coastwise trade from compulsory pilotage provided they had a Government pilot on board. So that all steamers, including, of course, tugs, so-called, which tow barges, are exempt from compulsory pilotage. Every State on the Atlantic seaboard, excepting North Carolina and South Carolina, Georgia, and Florida, have exempted all forms of coastwise shipping from compulsory pilotage; Virginia being the last State to do so by legislation in 1908.

The CHAIRMAN. Has Louisiana?

Mr. SMALL. That is on the Gulf. I said the Atlantic seaboard. Of the Gulf States, Texas does not enforce compulsory pilotage against coastwise shipping. As I understand it those on the Gulf which do attempt to enforce compulsory pilotage against any form of coastwise shipping are Louisiana, Alabama, and Mississippi. No State on the Pacific coast attempts to enforce any compulsory pilotage on coastwise shipping of any kind. So that of all the seaboard States only these four South Atlantic States and these three Gulf States to-day attempt to enforce compulsory pilotage against coastwise shipping. But, as I stated, Congress asserted its jurisdiction as to steamers in the coastwise trade and exempted all steamers from compulsory pilotage having a Government licensed pilot on board. So that a tug or steamer having barges in tow presents the anomalous position in these several States of the tug which tows the barges being exempt from compulsory pilotage attempted to be enforced by any State—provided, of course, they have a Government licensed pilot on board—while the barges behind the tug are subject under the laws of these few States to compulsory pilotage. And it is the purpose of this bill to relieve the barges in tow of the exempted steamers from compulsory pilotage attempted to be enforced by any State. I think that presents as clearly as I may the purpose of the bill under consideration by the committee.

We take the position that barges in tow of a steamer do not require compulsory pilotage. All the barge has to do is to steer behind the

tug or the steamer and keep in the same course. If a pilot were on board of the barges he could not do otherwise. The attempt to enforce compulsory pilotage against barges engaged in the coastwise trade is an unnecessary burden upon commerce, and can have no justification in the interest of commerce or of safe navigation of the waters.

This question recently became acute in this way: Congress, as many of the members of the committee will remember, has had presented to it rather industriously for 15 years or more a proposition to construct inside waterways or inland waterways along the Atlantic seaboard from Boston to Florida. Up to this time—and I should say first, that the Army engineers have made favorable reports on every link in this intracoastal waterway from Narraganset Bay to Florida, but so far Congress has only adopted one of these links; that is to say, the link from the southern end of Chesapeake Bay through the inland waters of North Carolina to Beaufort Inlet, N. C., a distance of about 200 miles, and this particular inland waterway is now under construction. This particular inland waterway lies inside of Cape Hatteras and Cape Lookout, and it has always been contended by the advocates of that project that with the construction of that route alone a barge traffic between ports north of Hatteras and ports south of Hatteras would be built up. Barge traffic between these northern points and these southern points has been so seriously handicapped in the past that the coastwise traffic around Cape Hatteras has been negligible. There has been no commerce except that which has been carried in very large steamers—steamers like those owned and navigated, for instance, by the Merchants & Miners Transportation Co. and the Clyde Steamship Co. and the Ocean Steamship Co. I am now speaking of the Atlantic coast. The barge traffic has been confined to a very few barges owned largely by great industrial concerns like the Standard Oil Co., with no regular schedule, making only desultory trips, and there has been no established barge traffic with regular service or sailings prepared to meet the demands of water-borne commerce between the northern ports and the southern ports, and that has been due, as stated, to the menace presented by Cape Hatteras.

While this particular route connecting Chesapeake Bay with Beaufort, N. C., and lying inside the cape has not been completed, yet earlier than we anticipated a barge traffic has been established. That traffic up to the present time has been to a large extent from Philadelphia and other Delaware River points, and Baltimore and Norfolk, lying north of Hatteras, with Savannah and Charleston lying south of Hatteras. There is a prospect that with proper encouragement the number of barges now engaged in the traffic will be largely increased and that the volume of commerce handled will largely increase.

To the surprise of some of us at least when this barge traffic was established compulsory pilotage was attempted to be enforced in and out of Beaufort Inlet, N. C., my own State, and in and out of Charleston and Savannah, and under the State law it can be, and we learn will be, enforced at every other southern port. For instance, at Wilmington, N. C.; at Georgetown, Charleston, and Beaufort, S. C.; Savannah and Brunswick, Ga.; and at Fernandina and Jacksonville, Fla. I will not attempt to go into the details of the financial bur-

den which this compulsory pilotage imposes on commerce. That will be well presented by others. But, gentlemen, it is a burden. I undertake to say, and I believe it can be demonstrated to the satisfaction of the committee, that there is not a southern port which I have named which can not be entered and departed from by the master of any tug holding a Government license with entire safety to his tug and his tow. And the owners of the tugs, and the owners of the barges are perfectly willing and anxious to assume that responsibility.

The marine-insurance companies do not demand pilotage; nor will they increase the rates if compulsory pilotage is eliminated. Having thoroughly investigated the matter, they have taken the position that the rates which the barges and cargoes now enjoy will be maintained if compulsory pilotage is abolished. So, I think, that clearly presents our position that the enforcement of compulsory pilotage is an unnecessary burden.

In 1871, when steamers were exempt under section 4444 of the Revised Statutes from compulsory pilotage if they had a licensed Government pilot on board, I take it that that act would have given express application to barges except for the fact that at that time in our traffic barges were substantially unknown. I had hoped, and others who believe likewise in this bill had hoped, that there would be no opposition to a proposition *prima facie* so meritorious as this. There is no attempt upon the part of the advocates of this bill to disturb pilotage associations, as they exist in these Southern States, except in so far as they apply to barges in tow of tugs.

The CHAIRMAN. Mr. Small, is there any reason why the same rule should not apply to a schooner in tow of a tug?

Mr. SMALL. In my individual opinion, no. My opinion is that these four Southern States, and these three Gulf States ought to take a forward step, such as is taken by all the other States of the Union, and exempt from compulsory pilotage every form of coastwise shipping.

Mr. HARDY. That is where they have a Government pilot aboard?

Mr. SMALL. Yes; but as I was saying, wishing to follow the path of least resistance and to arouse the least opposition, and if possible to impress the merits of this bill upon Congress and the committee, we have only sought to ask for additional legislation by Congress over barges in tow of tugs engaged in the coastwise trade. As it may be presented to the committee, I may say here, although I am sure Members are already familiar with it, that in the early history of our country, in fact shortly after the adoption of the Constitution, Congress passed an act to the effect substantially that the regulation of pilotage should be within the States until Congress in its wisdom should assume jurisdiction, and we admit that that has been the policy of the Government from the beginning up to the present time. The only effect of it is that without congressional action the States assume and enforce jurisdiction on the subject of pilotage.

Mr. SAUNDERS. How many barges in the ordinary course of traffic can be conveniently handled by one tug?

Mr. SMALL. That question will be answered more intelligently by others, but based upon my information I should say that the maximum is three or four. Three is the average.

The CHAIRMAN. It is my impression that that is regulated by law.

Mr. SAUNDERS. Suppose a tug goes through one of these canals towing three barges, is there a pilotage charge for each one of those barges?

Mr. SMALL. Yes, sir.

Mr. SAUNDERS. Is a pilot necessary on each barge in order to safely conduct them through the different channels down there?

Mr. SMALL. We say that that is not necessary. At Beaufort Inlet, N. C., and I can speak a little freely about my own State, whose policy I am attacking, the charge there on a barge with a draft of 9 feet is \$22.50, in and out, making a total of \$45 for the round trip, and a tow of three barges in and out of Beaufort Inlet would have to pay \$135 each round trip under the law.

Mr. SAUNDERS. I do not know much about your intracoastal canals down there. It is contemplated that a tow of barges can go from Norfolk to Jacksonville?

Mr. SMALL. Yes.

Mr. SAUNDERS. Suppose they could do that. How many pilot charges, as the law at present exists, would that tow of three barges have to pay in the course of its voyage?

Mr. SMALL. In and out of Beaufort Inlet one charge for each round trip. Say she was bound for Charleston, in and out of Charleston another charge, and if by chance she went to another southern port in order to complete her cargo there would be another charge.

Mr. SAUNDERS. There would be three charges between Norfolk and Jacksonville?

Mr. SMALL. No; there would be only two charges unless she went into another port.

Mr. SAUNDERS. But there would be two round-trip charges. How much would that be?

Mr. SMALL. There is a gentleman here who will give that to you. I only remember as to Beaufort Inlet.

Mr. SAUNDERS. If the charge for pilotage in North Carolina is excessive, could you not remedy that by appealing to your own legislature; and if not, why not?

Mr. SMALL. Our friends, the pilots, at the session of the legislature of 1915 went there and secured an act specifically including barges for compulsory pilotage and fixing the charges. I have inquired of members of the legislature since that time and have not found anybody who knew what they were doing. It was simply presented there and they said it was a good law and so they passed it. It is true that we could go to these States, but must this barge traffic which we are attempting to build up be dependent upon the will, whim, or caprice, or political expediency of several States in order to relieve commerce of an unnecessary burden? Speaking of North Carolina, the legislature of North Carolina years ago abolished all pilotage on coastwise shipping. A few years afterwards it restored it. Some of the members of this committee should remember the conditions which existed in Virginia prior to 1908, where, to put it mildly, they were imposing unjustifiable burdens on coastwise trade. This committee at that time favorably reported a bill, the extent of which I do not now recall, but I know that it relieves steamers and presumably barges. It did not pass, but as the result of that agita-

tion Virginia discontinued all form of compulsory pilotage as to coastwise shipping. It is all very well to say why not go to the legislatures of those States, where there is any reasonable question as to the jurisdiction of Congress or where under the Constitution a right exists within the States to control any matter involved in local State government. In that case I would say go to the States; but where the jurisdiction of Congress is undisputed, and if we can make good our proposition that this is an unnecessary and unjustifiable burden, and archaic—not consistent with the spirit of the times and jeopardizing this very valuable barge traffic—we say that Congress ought to assert its jurisdiction and act.

Answering the question of Judge Saunders, it may be interesting to the committee to make this statement: These barges on the Delaware River come from the Delaware River—that is, many of them—through the existing Chesapeake and Delaware Canal, the old canal, which, by the way, on account of its narrow locks constricts the width of the barges and to that extent impedes the growth of this barge traffic; but we have to take that canal as it is. They come into the Chesapeake Bay up the southern branch of the Elizabeth River past Norfolk, and there they take this waterway under construction by Congress through the inland waterways of North Carolina and Beaufort Inlet and Cape Lookout. The only menace to navigation on the south Atlantic coast between Beaufort Inlet and Florida is off Cape Fear—Frying Pan Shoals as it is called. But the winds which make it dangerous come from a direction which may be usually anticipated and foretold by the Weather Bureau, and while we have no disposition to minimize the dangers of Frying Pan Shoals, yet as compared to Hatteras they are not nearly so dangerous, and certainly not so dangerous as to be a prohibition against barge traffic. But you can see that until this entire length of intracoastal waterway from Boston to Florida shall be completed that it is absolutely essential that barges shall go part of the way at least outside, and must enter these southern ports from the ocean. Of course, pilotage charges would not bear against purely inland traffic, but because this intracoastal waterway has not been entirely completed, barges must, to a certain extent, traverse the ocean and go in and out of these ports.

I would like to file with the committee a memorandum which I have prepared and which sets forth some of the facts and history of legislation upon this subject which may be of interest to the committee, and with the consent of the committee I will file it.

The CHAIRMAN. If there is no objection it will be inserted in the record.

(The paper referred to will be found at the conclusion of the statement by Mr. Small.)

Mr. KINCHELOE. As I understand it, every steamer has a Government pilot?

Mr. SMALL. Yes.

Mr. KINCHELOE. That precedes the tow. Now, when you speak of compulsory pilotage on these barges, what do you mean by that?

Mr. SMALL. That whether they wish to or not they are compelled to take on a pilot and pay him; an additional pilot.

Mr. RODENBERG. You mean there has to be an additional pilot on each barge?

Mr. SMALL. That is the contention.

Mr. RODENBERG. Is that the law?

Mr. SMALL. That is the law in North Carolina and South Carolina, in Georgia and in Florida.

Mr. RODENBERG. And that is what you want to repeal in your bill, is it not?

Mr. SMALL. That is what we want to repeal, so that barges in tow of tugs shall be exempt.

Mr. PRICE. They are compelled to pay for a pilot whether they take him on or not?

Mr. SMALL. Whether the pilot goes on board or not they are compelled to pay the pilot. As a matter of fact I do not wish to introduce any statement merely to prejudice the case, but down there at Beaufort Inlet, in my State, not until recently, since this matter has been agitated, did the pilots even go through the pretence of going on board the barges, but they sent their bill to the owner of the barges and collected it. Since this agitation has begun I understand they are doing the barges the honor of going on board of them.

Mr. KINCHELOE. You mean that under the law as it is now it is not absolutely necessary for a pilot to go on the barge notwithstanding he charges for it?

Mr. SMALL. I will not say that that is authorized definitely under the law. I am only telling you that they have stood on the shore and spoken the barge or steamer and sometimes did not even speak the barge and only infrequently did they go on the barge at all, but they sent in their bill and collected it.

Mr. BYRNES. Let me ask you, Mr. Small, does the same custom prevail in other States?

Mr. SMALL. I understand it has prevailed in Charleston and Savannah, but only since this matter has been agitated the last few months have they been going on board.

Mr. HARDY. Is it not a fact that the State law provides a penalty for a barge to go in without a pilot?

Mr. SMALL. Oh, yes.

Mr. HARDY. Then it would be very easy for a pilot to demand his bill; otherwise the penalty against the company of going without a pilot would take effect?

Mr. SMALL. The law provides for enforcing it.

Mr. RODENBERG. Does the entire fee go to the pilot or some of it go into the State treasury?

Mr. SMALL. Not having looked into that particular question I will not state definitely, but my impression is that nothing goes into the State treasury.

Mr. BYRNES. Upon what theory does your legislature, for instance, proceed to enact that law increasing the pilotage charges and placing this penalty upon the barge?

Mr. SMALL. Upon the theory, as I understand it, that it is necessary to maintain a pilotage system—a pilotage association.

Mr. GREENE. That is for the protection of human life, or what is the purpose?

Mr. SMALL. I want to be entirely fair, and I will say that it is the contention that it is necessary to maintain a pilotage system in order to have a body of men who know the channels and keep up with the changing conditions, if there are changing conditions, and who shall

at all times be able to guide a vessel in and out of a port and keep in the channel. That is the contention.

The CHAIRMAN. Foreign vessels, both steam and sail, entering one of these southern ports, must pay pilot charges. In other words, they must have a licensed pilot on board to take the vessel in and out.

Mr. SMALL. Yes; they must have.

The CHAIRMAN. Is it not the contention that there are not enough vessels of that class to maintain an efficient pilotage organization, and for that reason it is necessary to include vessels in the coastwise trade in order to make fees enough to provide for an efficient force?

Mr. SMALL. I think that the contention is that the pilotage associations need the revenue from these barges.

Mr. GOODWIN. Your bill is confined only to vessels engaged in the coastwise trade or rivers of an interstate nature?

Mr. SMALL. Yes; entirely in the coastwise trade. It does not affect foreign shipping at all.

Mr. GOODWIN. But would it affect rivers of an interstate nature like the Mississippi or Ohio, or is it confined only to the coastwise trade?

Mr. SMALL. These pilotage laws of the States apply to navigation in and out from the ocean and where, as in the case of Savannah—a distance of some 40 miles I believe from the ocean—the pilots are required to go up as high as the city.

Mr. GOODWIN. Has not Congress jurisdiction over the Ohio, the Red, the Mississippi, those being of an interstate nature, the same as it has over traffic engaged in coastwise trade?

Mr. SMALL. I think Congress has jurisdiction over every navigable river, but there are no pilotage associations so far as I know upon the interior rivers, whether they are boundaries between the States or whether they traverse the States themselves.

Mr. GOODWIN. Take the lakes. Would this law not apply to them also?

Mr. SMALL. Yes.

The CHAIRMAN. They have no local State pilotage laws up there enforcing pilotage.

Mr. GOODWIN. There is none up there at all?

The CHAIRMAN. None up there at all.

Mr. GOODWIN. Only at those Gulf States?

Mr. SMALL. Only those States I have named enforce compulsory pilotage of any kind. The ports of Norfolk, Baltimore, Philadelphia, New York, Providence, and Boston—they all have their pilotage associations. But under the laws of every one of those States in which those ports are located, compulsory pilotage is only enforced against foreign vessels and steamers.

Mr. GOODWIN. The State of Louisiana has its pilotage laws?

Mr. SMALL. Yes.

Mr. GOODWIN. The Mississippi River runs through the State of Louisiana and also is the dividing line, so to speak, between many States. Would your bill affect the traffic borne on the Mississippi within the State of Louisiana?

Mr. SMALL. The purpose of the bill is to relieve from compulsory pilotage barges in tow of steamers in the coastwise trade anywhere in the United States.

The CHAIRMAN. Take the barges entering the port of New Orleans through the jetties in the Mississippi River: Their pilotage laws do not apply to vessels on the Mississippi River between New Orleans and points north or any other point than New Orleans and the sea, as I understand it?

Mr. SMALL. That is all.

Mr. SAUNDERS. Mr. Small, I would like to ask one or two questions. Take such a collection of barges towed by a steamer as you have talked about, making the trip you mentioned, is there any pilot on that steamer doing the towing?

Mr. SMALL. Yes.

Mr. SAUNDERS. Does that ship pay pilotage charges?

Mr. SMALL. No. With scarcely an exception every coastwise ship has a pilot on board, licensed under the laws of the United States and authorized to navigate those particular waters, and any steamer in the coastwise trade in the United States anywhere having such a Government pilot on board is exempt from compulsory pilotage.

Mr. SAUNDERS. That is what I wanted to bring out. Then the steamship itself is not compelled to pay the pilotage charges?

Mr. SMALL. No.

Mr. SAUNDERS. Who has charge of the course with respect to this steamship and her convoy to the sea? The pilot on the steamship, isn't it?

Mr. SMALL. The pilot on the steamer.

Mr. SAUNDERS. With reference to the safety or utility to the traffic itself, suppose we had a pilot on each one of the barges, what would he do with respect to laying the course or doing anything that would be serviceable toward making that voyage safe and expeditious?

Mr. SMALL. Nothing; because of necessity he must follow the steamer ahead.

Mr. SAUNDERS. He would have no more to do with it than the engineer of a second engine on a double header has to do with running the train?

Mr. SMALL. That is it exactly. If he does not follow the tug why necessarily he sheers off and gets out of the channel. The responsibility is on the pilot of the tug.

Mr. HARDY. Is there any more reason for applying it to a sailing vessel which is in charge of a United States pilot than there is in requiring it of a steam vessel?

Mr. SMALL. In my individual opinion, no. In my individual opinion all coastwise shipping ought to be relieved from the burden of compulsory pilotage. I think that one of the causes for the gradual diminution of sailing vessels, schooners, and ships engaged in coastwise trade between the northern and southern ports has been this question of compulsory pilotage. Personally I would dislike to be a party to any legislation which injures the pilots at any port; I would take no personal pride in reducing their revenue; but there is this proposition which can not be controverted: There never has been any progress in any line that did not hurt somebody.

Every new invention, every labor-saving piece of machinery, every improvement in navigation has divested somebody from their employment, has changed the old pathways, and that can not be helped.

The building up of this barge traffic between these ports north of Hatteras and these points south of Hatteras, which can only be done by utilizing this inside route which lies inside of Hatteras, involves in very large degree the prosperity of our country, and particularly that of these coastwise States. It is difficult to anticipate what it means to us with the completion Erie Canal. There is no reason why a barge should not be loaded at Charleston or Savannah and, taking this route inside of Hatteras, go up to New York, up the Hudson River, through the Erie Canal, into the Lakes, and take a cargo to any of these lake ports; and likewise they could bring back a cargo. The one prohibition against their doing this has been Hatteras. This route inside of Hatteras makes possible this barge traffic. This barge traffic is now only at the beginning, and everyone knows how a new venture may be discouraged. It does not take large obstacles to do so, and to place upon this traffic, the development of which is of such importance, these burdens at this time jeopardizes its very existence, its growth, and its progress. It is a matter of great importance. If it perchance reduces the revenues of some of the pilotage associations at these southern ports, is that to stop the march of progress? If so, every great progressive movement which we have ever undertaken would have been stopped at its threshold. I received, as did the members of this committee, hundreds of petitions against the parcel post. Little merchants in my district thought they would have to go out of business if the parcel post came. I told them I thought they were wrong, but even if they were in a partial degree right, it was in the line and progress, and we ought to have it. This is in the line of progress, and I can not believe it will jeopardize the life of any of these pilotage associations. But if perchance it does reduce their revenues I am sorry, and I have no doubt every member of this committee and Congress will regret it. Yet beyond the question of a reduction in their revenues is the great question of this barge traffic which we are trying to build up, which is of sufficient importance to justify it.

Mr. KINCHELOE. One more question. Did I understand you to say in answer to Judge Saunders's question, that a steamship that had a Government pilot on it did not have to pay compulsory pilotage?

Mr. SMALL. They do not have to pay pilotage in the coastwise trade.

Mr. KINCHELOE. Then who pays that?

Mr. SMALL. Nobody. They are not compelled to take a pilot on unless they wish to. I am speaking of compulsory pilotage. If perchance there should be any port where the pilot of a steamer or tug towing the barges thinks that he ought to have a pilot, he takes one. What I have been discussing is compulsory pilotage, compelling them to take one and pay for the service whether they need him or not.

Mr. BURKE. Is not one of the original objects of a compulsory pilotage system the protection of harbors or the entrance to harbors from being blocked by vessels going astray? Is not that the original object? Is not that the principal object for maintaining a compulsory pilotage system—the protection of a harbor and its entrances—to prevent them from being blocked by vessels running ashore or onto shoal beds or rocks?

Mr. SMALL. That is one of the alleged objects.

Mr. BURKE. Is not that the object?

Mr. SMALL. Well, I can not say it is the object.

Mr. BURKE. You do not mean to say that this pilotage system is maintained solely to provide jobs for some pilotage association, do you?

Mr. SMALL. Not exclusively.

Mr. BURKE. One question more. Are there any complaints that you know of as to the safety of entering and returning into harbors of those States where compulsory pilotage is not required?

Mr. SMALL. I do not catch the question.

Mr. BURKE. Have any complaints arisen as to the navigation of harbors and entrances to harbors in those States where compulsory pilotage is not required?

Mr. SMALL. Compulsory pilotage is required at every port on all our coasts against foreign shipping.

Mr. BURKE. My question refers to coastwise domestic shipping.

Mr. SMALL. I have heard no complaints. There has been no disposition so far as I am aware in Virginia or Maryland or Delaware or Pennsylvania or New York or Rhode Island or Connecticut or Massachusetts or Maine, or any State on the Pacific coast to go back to the old method of compulsory pilotage against coastwise shipping.

Mr. BURKE. How long have these other States been free from this compulsory pilotage system?

Mr. SMALL. Virginia, since 1908; the other Atlantic Coast States many years before that time.

Mr. SAUNDERS. Let me state that a little differently. Since the coastwise steamships have been relieved of compulsory pilotage, have the harbors used by these particular steamships been blocked or embarrassed as a result of the ships being relieved from this tax?

Mr. SMALL. Not to my knowledge. I have never heard any complaints.

Mr. BURKE. Is there anything in the nature of the harbors of North and South Carolina which makes it more difficult for ships to enter and pass out than is the case of harbors in the other States, which do not require compulsory pilotage?

Mr. SMALL. I would not like to disparage the ports of any of these Southern States. They are very proud of them. As I stated in the beginning, I think it may be said without contravention and upon such proof as would satisfy any open-minded man that there is no necessity for a pilot on a barge in any of these southern ports from Wilmington, N. C., to Jacksonville, Fla.

Regarding the maintenance of the channels of the ports, we have ample activities of the Government now to maintain those channels. There is a Government engineer, an officer of the United States Corps of Engineers, stationed at every port of importance in the United States, whose business it is, with ample assistance, to frequently examine the channels and take soundings. We have the United States Coast and Geodetic Survey, whose business it is to keep up with the channels in every port of the United States, and to publish Coast and Geodetic Survey maps and to keep them up to date. Congress has made appropriations annually for some years now in the rivers and harbors bill for the purpose of maintaining these channels against depreciation. I can not conceive that the United States can do anything further for the protection of its channels than it is doing.

Yet, forsooth, because of that, if the pilots think that their existence is necessary under the laws of the States, I am not a critic of their contention. I am only saying that the United States seems to be doing all that is necessary and all in its power to maintain the channels at every one of these southern ports, and if they do not maintain them and do not keep a record of the changes in the channels, it is not the fault of the law. It is the fault of the particular officer in charge.

Mr. HARDY. It is a very large question, and may call for an opinion, but you may throw some light on it. Does the practice of levying these burdens on these southern ports that are not levied upon in the other ports have a tendency to hurt the commercial prosperity of the ports where the heavy burdens are laid in comparison with the ports where they are not?

Mr. SMALL. Decidedly so in every case, and for that reason I have never been able to understand why a great port under the guise of sentiment, or under any other plea which may seem available, should be willing to have the commerce of its port so handicapped.

Mr. HARDY. One other question as to those additional charges which, if not necessary, are required to be paid; who ultimately pays those charges?

Mr. SMALL. We are prepared to show to-day that primarily the man who pays the freight, pays the charges. Trace that down as you will, it enters into the price of the goods.

Mr. HARDY. The ultimate consumer pays the price of the goods necessarily. I think the theory can not be controverted.

Mr. SMALL. Since that has been mentioned, there will be some contention, as I have heard, and I was sorry to have heard it, that some corporation will be the beneficiary of this legislation. It so happens that the Southern Transportation Co. is largely engaged, and were the initiators of this barge traffic. I appreciate their enterprise in taking advantage of the opportunity; but they will not be the beneficiaries to any extent, because there are gentlemen here to-day, shippers by barges, who will say to you that the pilotage charges are included in their contracts. In other words, they pay the freight rate plus whatever pilot charges there may be.

Mr. GOODWIN. What in your opinion is the reason that those Southern States which now have pilotage laws retain those laws upon the statute books? Is it your opinion, if you care to express an opinion on the subject, for the reason that pilotage associations are more potential with the legislatures of the States than is the public, who bear the burden and pay the toll incident to pilotage laws? In other words, are these associations more potential with the legislatures than the public which is vitally concerned and which pays the freight? Of course, that calls merely for an opinion which you may not care to express, but I am seeking the information.

Mr. HARDY. I might suggest, if Mr. Small is not willing to admit, that the pilotage associations are pretty lively, active associations, but Mr. Small may not be willing to admit it.

Mr. SAUNDERS. Suppose Mr. Small simply says the pilotage association is a live wire, and stops at that?

Mr. SMALL. I might not be willing to indulge in the expression of every opinion in my mind, but I will say this, intended to be complimentary, that all of the leaders of the pilots with whom I have

come in contact are very smart men. They maintain an organization here in Washington; and have had ever since my term of service here, more than 16 years, a representative on the ground all the while, and the two men who have occupied that position are men of intelligence and discernment, active and industrious. Whether they are here for fear Congress will enact legislation affecting pilotage or for what their purpose is, it is not for me to say.

Mr. BURKE. Will you give us an idea of the membership of the pilotage association in your State of North Carolina?

Mr. SMALL. Can I?

Mr. BURKE. Yes.

Mr. SMALL. No; I can only recall from memory the name of one man, Capt. J. J. Atkins, of Southport, at the mouth of Cape Fear.

Mr. BURKE. My question was the number of members of the association in your State.

Mr. SMALL. No; I can not tell you. North Carolina is a very unfortunate State as to its seacoast. We really have on the coast of that State only two navigable inlets from the ocean to our interior waterways—one at Beaufort Inlet and at the mouth of Cape Fear leading to the city of Wilmington. From Beaufort Inlet north you first come to Cape Lookout and then Cape Hatteras, and from there to the Virginia line is a narrow strip of land consisting of sand dunes, with no vegetation or growth whatever, and then again you find vegetation and trees in some instances; and, while there are inlets traversing that narrow strip of land from the ocean to the interior sounds, they are not navigable because of the bar on the outside or of ledges of land called swashes on the inside, and until Congress authorized the construction of this inland waterway from Norfolk to Beaufort Inlet, two-thirds of our State, with its magnificent rivers and interior sounds, had no free outlet for its waterborne commerce from Chesapeake Bay to the south.

Mr. BYRNES. Is it not true that the wisdom of this legislation is dependent upon the condition of the ports affected by it? If in the States you mention there is a port the entrance to which is so hazardous that the entrance by a steamer without a pilot would be a menace to their channel, would there not then be justification for the State of Georgia, say, requiring a pilot in order that its channel might not be menaced by one who is not efficient?

Mr. SMALL. You refer to steamers?

Mr. BYRNES. Yes.

Mr. SMALL. I will direct your attention that no steamer is required to take a pilot.

Mr. BYRNES. I am directing it to this bill—to this barge proposition. If the ports are in such condition that this is not necessary, then there is no reason why there should be any opposition to this. If there are ports here which might be menaced, then there is a reason why States should prevent anything that would be a menace to the channel.

Mr. SMALL. If there are ports.

Mr. BYRNES. Yes. That is the issue, then—

Mr. SMALL. That is the issue.

Mr. BYRNES. Whether there ports of that kind.

Mr. SAUNDERS. The answer to that would be, if the ship towing the barges has been relieved from this necessity what is to be gained by requiring the barges to carry a pilot who can not serve any purpose in directing the course in those difficult channels?

Mr. SMALL. And must of necessity follow the ship.

Mr. SAUNDERS. Must of necessity follow the ship that has been relieved of the requirement to carry them.

Mr. BYRNES. Your contention is that if the steamer has a pilot there is no danger by reason of there being a tow of one or two barges—no practical danger.

Mr. SMALL. No practical danger; and if there was, how could a pilot prevent it? Here is the steamer ahead of the tow. It has a towline out attached to each barge. From that first barge the towline goes to the second and from the second one to the third one behind. Each one of these barges has a man at the wheel to steer the barge. They have to follow the steamer ahead which has the Government licensed pilot on board—a pilot who has been examined and licensed by the authorities of the United States—and Congress has said that this tug or steamer having that pilot on board need not be compelled to take a State pilot. Now, the contention is that those barges, one, two, or three, following the tug ought to be compelled to take a pilot and pay for a pilot when the steamer or tug ahead towing these barges is not compelled to take one.

The CHAIRMAN. And that is true whether towing in or out of schooners or sail vessels?

Mr. SMALL. Yes.

The CHAIRMAN. You take schooners engaged in the coastwise trade, bringing lumber and fertilizer from the South. Whenever they go in or out of one of the ports of these States, although they are towed by a steam tug, they are compelled to pay this pilot charge, although they have no use on either for the pilot.

Mr. BYRNES. If there is no justification for it on that ground, then there is no justification for it on any ground, except for the maintenance of the association in order to have them at hand in case of foreign steamers.

Mr. SMALL. I think you put the situation correct. And answering the suggestion of yours a moment ago, the Chamber of Commerce of the city of Charleston has passed a resolution, which I will submit to you for the record, favoring this bill. The Board of Trade of Savannah has passed a resolution in favor of it. The Chamber of Commerce of Norfolk has passed a similar resolution, although in the State of Virginia there is no compulsory pilotage on any coastwise shipping; and the Chamber of Commerce of Wilmington, N. C., has passed a resolution in favor of it.

In conclusion, Mr. Chairman, so far as I am concerned, I may repeat what I have said to some of my friends among the pilots, and I say it now publicly. I had hoped that the pilotage associations would, in their wisdom, not see proper to oppose this bill. I do not think opposition of it is justified, and I have told them that we who are insistently urging this legislation have no disposition to interfere with the pilots or pilotage associations or pilotage systems any further than is contained in this bill; that is, to exempt barges in tow of tugs from compulsory pilotage. We have a number of other witnesses. Does the committee wish to hear them now?

The CHAIRMAN. With reference to the length of tows and with reference to seagoing barges, I would state that in 1908, when my friend, Mr. Greene of Massachusetts, was chairman of the committee, we reported out of this committee a bill which was enacted into law, providing for the inspection of hulls and equipment of steam barges of 100 tons or over, and also for their equipment in the matter of lifesaving appliances, their register and enrollment, and in 1910 we enacted this statute:

The Commissioner of Navigation shall convene as a board at such times as the Secretary of Commerce shall prescribe to prepare regulations limiting the length of hawsers between towing vessels and seagoing barges in tow and the length of such tows within any of the inland waters of the United States designated and defined from time to time pursuant to section 2 of the act approved February 19, 1895, and such regulations when approved by the Secretary of Commerce shall have the force of law—

And making the master of the towing vessel liable to suspension or the revocation of his license for violation of the regulations issued pursuant to the section I have quoted.

Mr. SMALL. Yes, sir; and the barges, Mr. Chairman, in this traffic have complied and are complying with the provisions of that. Personally I think it was most wise legislation. Before I take my seat I would like to have printed in the record an extract of a letter from Capt. E. M. Adams, Corps of Engineers, in a report on Charleston Harbor, S. C., submitted in 1911, beginning at page 8 and ending with the first paragraph on page 14, in which he discusses the pilotage of South Carolina and some other southern points.

(The memorandum in support of the bill, and the extract, above referred to, from the letter of Capt. Adams, are, respectively, as follows:)

MEMORANDUM IN SUPPORT OF A BILL AMENDING SECTION 4444, REVISED STATUTES.

To the Committee on Commerce of the Senate and to the Committee on Merchant Marine and Fisheries of the House of Representatives of the United States:

The bill provides as follows: (The new matter being in italics.)

A BILL. To exempt from compulsory pilotage the barges while in tow of steam vessels navigated by Government pilots.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4444 of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

SEC. 4444. No State or municipal government shall impose upon pilots of steam vessels any obligation to procure a State or other license in addition to that issued by the United States, or any other regulation which shall impede such pilots in the performance of the duties required by this title, nor shall any pilot charges be levied by any such authority upon any steamer piloted as provided by this title, *nor upon any barge in tow of such a steam vessel*, and in no case shall the fee charged for the pilotage of any steam vessel or barges in tow thereof exceed the customary or legally established rates in the State where the same is performed.

And any barge when in tow of a steam vessel, piloted as required by this title, shall be exempt from any obligation to pay pilotage unless the services of a pilot be accepted by such barge.

Nothing in this title shall be construed to annul or affect any regulation established by the laws of any State requiring vessels entering or leaving a port in any such State, other than coastwise steam vessels *and barges in tow thereof*, to take a pilot duly licensed or authorized by the laws of such State, or of a State situate upon the waters of such State.

Section 2. That this act shall take effect and be in force from and after its passage.

NEW CONDITIONS NEED NEW REGULATIONS.

It recently became possible, by reason of the inland waterways, provided by Congress as a part of the work which it is contemplated will be completed at a final cost of many millions of dollars, for barges to go inland behind Cape Hatteras and thus avoid the long and dangerous outside run from Cape Henry past Cape Hatteras and Cape Lookout. When the barges get to Beaufort Inlet they can then go outside down the comparatively safe route to the South Atlantic ports of Southport, Wilmington, Charleston, Beaufort, S. C., Georgetown, Savannah, Brunswick, and Jacksonville. Unfortunately the shallow depth of 8 feet in the Albemarle & Chesapeake Canal, recently purchased by the Government for use as a free waterway, prevents its economical use by the barges using the Norfolk-Beaufort route, and they are forced to pay canal tolls in order to go through the Dismal Swamp Canal on a draft limited to 9 feet. The Government is now deepening the Albemarle & Chesapeake Canal to a draft of 12 feet, and proposes to deepen the inland waterway from Neuse River into Beaufort Inlet to a like depth. When this is accomplished the barges will be able to carry larger cargoes than the cargoes to which they are now limited by a 9-foot draft. There will then be but one obstacle to the enjoyment by shippers and consumers of all of the advantages of an inland barge traffic between the Atlantic coast ports north of Cape Hatteras and Cape Lookout and the Atlantic coast ports south of those capes. This obstacle is compulsory State pilotage existing in the Atlantic coast States south of Virginia, whereby the inland waterways, which Congress designed to be free, are substantially converted into toll waterways for the benefit of pilots in those States. The passage of the foregoing bill will correct this anomalous condition.

A BRIEF DESCRIPTION OF BARGES.

Until within the last few years barges were of two general classes, viz, the large seagoing barges and the smaller inland barge. The smaller inland barges trading wholly within the waters of one State are not concerned with pilotage. The large seagoing barge when originally built is quite a large and expensive vessel, and is in many instances the hull of a steamship or sailing vessel converted into a barge. These seagoing barges are usually about 225 feet long, 40 feet beam, and 18 feet deep, and have two or more masts equipped with sails. Their masts, deep draft, and broad beam prevent their use on the inland waterways and up the small creeks and rivers tributary to the waters of the various ports of the Atlantic coast.

Within the past few years there has developed a type of barge which, being capable of doing the work of both the seagoing and inland barges, is called a "combination seagoing and inland barge." It is inspected by the Steamboat-Inspection Service and is certificated by the Government to run outside along the coast, over the same waters that the larger seagoing barges are permitted to run, and its light draft and narrow beam permits it to operate on the canals, rivers, and inland waterways along the Atlantic coast. These barges are about 200 feet long, 24 feet beam, and have from 12 to 16 foot sides and no masts or motive power of their own. They can carry about 500,000 feet of lumber or 900 tons of dead weight on a 9-foot draft, but considerably more when fully loaded to a 10 or 11 foot draft. They are the cheapest vehicles in the world for bulk and heavy traffic, because they cost less to build, carry more tonnage on less draft, give better dispatch, and are cheaper to operate than sailing vessels, the larger seagoing barges, and steamships, and their light draft enables them to go up the small creeks and rivers after local traffic where the deeper-draft vessels can not go.

THE VALUE OF THESE ADVANTAGES.

The value of the advantages of this combination type of barge will increase with the advance in population, commerce, and manufactures. The shipper and consumer will get the benefit, and they will get it from this combination type of barge. Anything that increases and embarrasses the cost of their operation will to that extent detract from the advantages of the inland waterways for which Congress is expending millions of dollars. The Atlantic Deeper Waterways Association, at its annual convention held in Savannah in November, 1915, recognized this and adopted the following resolution:

"This association is committed not only to the construction of the intra-coastal waterway but to the promotion of coastwise trade between different ports and rivers. It is conceded that much of this traffic will be carried in barges towed by tugs. Until every link of the proposed waterway shall be completed, such fleets of barges under tow will use the inside route in part and the ocean in part, particularly between northern and southern ports. Under section 4444, Revised Statutes of the United States, such tugs or steam vessels having barges in tow are exempted from pilotage charges imposed by any State in cases where the pilot of such steam vessels has a license under the laws of the United States. We favor the enactment by Congress of legislation exempting barges from all pilot charges imposed under the authority of any State."

The pilots insist upon imposing their charges where there is no shadow of necessity for same. Their representatives, in opposing the adoption of the foregoing resolution, stated to the resolutions committee of the Atlantic Deeper Waterways Association at Savannah in November, 1915, that the pilots did not desire and would waive pilotage on all vessels that used the inland waterways exclusively and did not go outside on the coast. This was, of course, a more or less gratuitous proposition, for the reason that it may be 10, 15, 25, or 50 years before the South Atlantic ports and the North Atlantic ports are connected by wholly inland routes, capable of carrying substantial traffic. As it is now, barge traffic must use the inside routes in part and the ocean in part, as set forth in the foregoing resolution, and the inconsistency of the pilots is shown by the fact that in December, 1915, just about one month after their representatives made their proposition at Savannah, they demanded pilotage on the barge *Monocacy*, trading on the inland route from Chisholm Island, out of South Carolina into Savannah, Ga. In this demand they emphasized the fact that the only vessels not subject to their compulsory pilotage charges at Beaufort, S. C., are vessels that trade wholly between ports within the State. In the case of the barge *Monocacy* they rendered a bill on December 6, 1915, for compulsory pilotage for \$35, that being the rate for a vessel drawing 11 feet, and on the same date they rendered another bill for \$31 against the same barge, that being their rate for a vessel drawing 10 feet. In neither instance did they render any service to this barge, which had no motive power of its own and was in tow of a tug navigated by a Government pilot, and which tug, under the provisions of existing law, section 4444, Revised Statutes, is exempt from pilotage.

COMPULSORY STATE PILOTAGE IN THE SOUTH ATLANTIC.

That there is an unnecessary burden on commerce is fully demonstrated by the fact that it was abolished at all Virginia ports in 1908, and before that at all ports North of Virginia. South of Virginia compulsory State pilotage exists (with but one important exception) against all coastwise vessels, including barges. The only exception of importance is that of coastwise steam vessels. This exception of steam vessels was created by section 4444, Revised Statutes, yet barges in tow of such steam vessels have to pay pilotage. Pilots are useless to barges, because barges must follow the tugs. Their services are never needed and when offered are never accepted, yet when pilots offer their services the barges have to pay. The substance of a pilot's services to a barge in tow of a tug navigated by a Government pilot is to chat socially with the master of the tug while the tug master makes his own course, which the barges follow astern on their hawsers must hold. Pilots can not charge the tug, yet the barge in its tow, a vessel duly certificated by the Government to run coastwise, is compelled to pay an arbitrary charge for a service that is neither needed nor rendered.

THE ORIGIN OF COMPULSORY PILOTAGE ON BARGES.

It originated in the construction which the courts have given to the very general phraseology of "all vessels," "every vessel," and like expressions used in the pilotage laws of the South Atlantic States. The barge owners long contended that, as their barges were wholly dependent upon the tugs towing them, the tugs and barges were in contemplation of law one vessel, and that the exemption of the tug from pilotage included barges in its tow. This contention was sustained in the case of the *Carrie L. Tyler*, 103 Fed.), but that case was reversed, and as the courts now construe the South Atlantic pilotage laws, barges have to pay compulsory pilotage in and out of the ports, although they are in tow of coastwise steam vessels that are exempt from State pilotage by virtue of section 4444, Revised Statutes. The anomalous condition is no

doubt due to the fact that barges came into existence long after South Atlantic pilotage laws were enacted.

NO RELIEF FROM THE PILOTS.

The pilots make no substantial concessions to relieve commerce from this compulsory pilotage, which has been aptly described as a "barnacle" upon the coastwise trade of the South Atlantic. It is possible for vessels trading regularly enough to make it pay to take out at each port annual pilotage licenses. The annual pilotage license at Charleston amounts to about \$250 and at Savannah to about \$150 for each barge drawing 9 feet of water. The business of the pioneer in the South Atlantic barge traffic via the inland waterways is a very good illustration of what little relief these annual licenses give. Out of its total fleet of about 90 barges over 50 of these barges are of the combination type capable of trading to South Atlantic ports; but as they must be placed in the business as they become available in their general trade along the coast the annual pilotage licenses of these 50 barges at a 9-foot draft would mean about \$12,500 per year at Charleston and about \$7,500 per year at Savannah.

THE IMPORTANCE OF THIS AMENDMENT.

The State pilots in the South Atlantic States maintain an aggressive organization to oppose any legislation that will affect their revenue, and, accordingly, the barges naturally seek relief from Congress. The same reasons which prevailed in 1871, when section 4444, Revised Statutes, was enacted, now exist for the enactment of this bill to the end that barges will be included in the exemption of steam vessels towing them.

Commerce on the inland waterways is but another term for barge traffic on the inland waterways. Congress is creating the inland waterways for commerce, not for the pilots. An illustration of the abuse of this barge traffic by compulsory pilotage is the amendment of section 4969 of the North Carolina Code, effective on April 1, 1915. This amendment was quietly secured by the pilots at Beaufort, N. C., without notice to the barge owners or shippers or consumers, and the result of it was that every barge with a draft of 9 feet passing through the inland waterway connecting Neuse River with Beaufort Inlet is subject to a compulsory pilotage toll of \$45 per round trip. All the pilots have to do for this toll on what Congress provided as a free waterway is to hail each barge and then send in a bill to the owners for \$2.50 per foot of the barge's 9-foot draft.

The South Atlantic barge traffic is yet in its infancy, having begun in January, 1915. In the short period of 10 months from January, 1915, to October, 1915, 15 barges made 55 trips. They carried south about 21,000 tons of coal, 4,000 tons of cement, 1,600 tons of plaster, 7,800 tons of gravel, 1,000 tons of fertilizer material, and 1,600 tons of steel rails, a total tonnage of over 37,000 tons. The same barges returned north with about 12,00,000 feet of lumber, 10,000 tons of acid phosphate, and 8,000 tons of piling, a total tonnage of 42,000 tons. While these figures are small as transportation figures go, they are a sure indication of the enormous tonnage which may be expected when the inland waterways are protected from these arbitrary and unnecessary charges upon the vessels using them. The 15 barges on their 55 trips had to pay for compulsory State pilotage which they never received approximately \$3,600. This amount would have been much larger had the inland waterways permitted the barges to load to an 11-foot draft instead of a 9-foot draft, to which the depth of water now limits them; and, of course, the burden of compulsory State pilotage will be much heavier as soon as the work of deepening the inland waterways, now in progress, is accomplished.

The State barge pilotage at Savannah now amounts to about 6 cents per thousand feet on lumber and approximately 4 cents per ton on coal. At Charleston it amounts to about 4½ cents per thousand feet on lumber and about 3 cents per ton on coal. If a barge now goes south light but returns with lumber, the light and loaded pilotage would amount to about 7 cents per thousand feet out of Charleston and about 9 cents per thousand feet out of Savannah. Including the State pilotage charges at Beaufort, N. C., the State barge pilotage from Savannah to Neuse River now amounts to about 10½ cents per thousand feet on lumber and about 7 cents per ton on coal. From Charleston to Neuse River it amounts to about 9 cents per thousand feet on lumber and about 6 cents per ton on coal. If a barge goes south light for a return cargo, the amount would, of course, be higher.

Undoubtedly section 4444, Revised Statutes, as enacted in 1871 would have included in its exemption from compulsory State pilotage barges when in tow of steam vessels if barges had then existed. But barges did not exist prior to about 1878, and barge traffic from Chesapeake Bay north did not develop to a substantial extent until about 10 years later. If it is to develop between the ports south of Hatteras and Cape Lookout and the parts north of those capes, and if the country is to have the benefit of the inland waterways which Congress is now expending so many millions of dollars to provide, the barges must be relieved of this unnecessary burden of compulsory State pilotage.

CONCURRENT AUTHORITY OF THE STATES.

Immediately upon the adoption of the Constitution Congress recognized the propriety of local action with respect to pilotage, and even now, while it has full power over the subject and to a certain extent has prescribed rules, it is still in a large measure subject to the regulations of the several States of the Union. *Simpson v. Shephard* (230 U. S., 352). In *Anderson v. Pacific Coast Steamship Company* (225 U. S., 187) the court said:

"When the Constitution of the United States was adopted each State had its own regulations of pilotage. While this subject was embraced within the grant of the power 'to regulate commerce with foreign nations and among the several States' (art. 1, sec. 8), Congress did not supersede the State legislation, but by the act of August 7, 1789, chapter 9, section 4 (1 Stat., 53, 54; R. S., sec. 4235), it was enacted that 'all pilots in the bays, inlets, rivers, harbors, and ports of the United States, shall continue to be regulated in conformity with the existing laws of the States, respectively, wherein such pilots may be, or with such laws as the States may, respectively, hereafter enact for the purpose, until further legislative provisions shall be made by Congress.' This was 'a clear and authoritative declaration by the first Congress that the nature of this subject is such that, until Congress should find it necessary to exercise its power, it should be left to the legislation of the States,' and it has long been established by the decisions of this court that, although State laws concerning pilotage are regulations of commerce they fall within that class of powers which may be exercised by the States until Congress shall see fit to act."

On March 2, 1837, Congress enacted section 4236 of the Revised Statutes, which provides as follows:

"SEC. 4236 (*Pilots on boundaries between States*). The master of any vessel coming into or going out of any port situate upon waters which are the boundary between two States, may employ any pilot duly licensed or authorized by the laws of either of the States bounded on such waters to pilot the vessel to or from such port."

On February 28, 1871, Congress enacted the three following sections of the Revised Statutes:

"SEC. 4401. All coastwise seagoing vessels and vessels navigating the Great Lakes shall be subject to the navigation laws of the United States, when navigating within the jurisdiction thereof; and all vessels, propelled in whole or in part by steam and navigating as aforesaid, shall be subject to all the rules and regulations established in pursuance of law for the government of steam vessels in passing, as provided by this title; and every coastwise seagoing steam vessel subject to the navigation laws of the United States, and to the rules and regulations aforesaid, not sailing under register, shall, when underway, except on the high seas, be under the control and direction of pilots licensed by the inspectors of steamboats."

NOTE.—"Amended by section 5 of the act of Congress approved June 9, 1910, which provides that every vessel propelled by machinery and not more than 65 feet in length, except tugboats and towboats propelled by steam, shall not be required to carry licensed officers except a licensed operator on such vessels carrying passengers for hire."

"SEC. 4442. Whenever any person claiming to be a skilled pilot of steam vessels offers himself for a license the inspectors shall make diligent inquiry as to his character and merits, and if satisfied, from personal examination of the applicant, with the proof that he offers that he possesses the requisite knowledge and skill, and is trustworthy and faithful, they shall grant him a license for the term of five years to pilot any such vessel within the limits prescribed in the license; but such license shall be suspended or revoked upon satisfactory evidence of negligence, unskillfulness, inattention to the duties of his station, or intemperance, or the willful violation of any provisions of this title."

"SEC. 4443. Where the master or mate is also pilot of the vessel, he shall not be required to hold two licenses to perform such duties, but the license issued shall state on its face that he is authorized to act in such double capacity."

On February 27, 1871, Congress enacted section 4444, Revised Statutes, which provides as follows:

"SEC. 4444. (*State Regulations of Pilots.*)

"No State or municipal government shall impose upon pilots of steam vessels any obligation to procure a State or other license in addition to that issued by the United States, or any other regulation which will impede such pilots in the performance of the duties required by this title; nor shall any pilot charges be levied by any such authority upon any steamer piloted as provided by this title; and in no case shall the fees charged for the pilotage of any steam vessel exceed the customary or legally established rates in the State where the same is performed. Nothing in this title shall be construed to annul or affect any regulation established by the laws of any State, requiring vessels entering or leaving a port in any such State, other than coastwise steam vessels, to take a pilot duly licensed or authorized by the laws of such State, or of a State situate upon the waters of such State." (R. S.)

On July 13, 1886, Congress enacted section 4237, Revised Statutes, which provides as follows:

"SEC. 4237. (*No discrimination in rates of Pilotage.*)

"No regulations or provisions shall be adopted by any State which shall make any discrimination in the rate of pilotage or half pilotage between vessels sailing between the ports of one State and vessels sailing between the ports of the different States, or any discrimination against vessels propelled in whole or in part by steam, or against national vessels of the United States; and all existing regulations or provisions making any such discrimination are annulled and abrogated."

The foregoing substantially comprise all the Federal legislation on the subject of pilotage. Congress has not created further regulations, because the bulk of coastwise commerce to the ports south of Cape Hatteras and Cape Lookout is in coastwise steam vessels, which are already exempted from compulsory State pilotage by existing law, section 4444, Revised Statutes. The coastwise commerce from Cape Hatteras north has not heeded the relief of further congressional legislation, because compulsory State pilotage was abolished by Virginia in 1908, and before that by all States north of Virginia, as against all coastwise vessels, including barges. Accordingly, the barge traffic between Virginia ports and ports north of Virginia, not being burdened by compulsory pilotage, has developed an enormous tonnage.

The barge traffic south of Cape Hatteras and Cape Lookout is negligible in volume as compared with the barge traffic north of Cape Henry. Prior to January, 1915, the only tugs and barges that regularly operated between the Atlantic coast ports north of Cape Hatteras and Cape Lookout and the Atlantic coast ports south of those capes were exclusively large and expensive seagoing vessels. The first cost of this class of vessels, the large risks of the route around Cape Hatteras and Cape Lookout, the correspondingly high rate of insurance for vessels and cargoes, and the compulsory State pilotage existing in the South Atlantic States have combined to compel a freight rate on this class of barges which gives them few advantages over the sailing vessels.

The cheapest transportation in the world has long been conceded to be the barge traffic on the inland waters of the United States, and the inland waterways provided by Congress. The "combination inland and seagoing barges" have made it possible for shippers and consumers to substantially have all the advantages of an inland barge traffic between the Atlantic coast ports south of Cape Hatteras and Cape Lookout and the Atlantic coast ports north of those capes, *provided the unnecessary and indefensible burden of compulsory pilotage is abolished by the passage of the foregoing bill.*

Respectfully submitted.

JOHN H. SMALL,

Representative in Congress from North Carolina.

(The abstract referred to is as follows:)

PILOTAGE.

As among "other subjects" to be reported upon under the first proviso of the second paragraph of section 3 of the act, I consider that the pilotage situation here should receive attention. Explanation will show the reason.

By act of the legislature of South Carolina, approved about 1879, the State asserted jurisdiction over Charleston Harbor and created a board of harbor commissioners, conferring upon them many powers over shipping, over the harbor itself, over construction of wharves and docks, over harbor lines, and over the creation of obstructions to navigation. Especially the act made pilotage compulsory and by amendment empowered the harbor commissioners, through a subcommittee on pilotage, to fix the charges for pilotage, to regulate pilots, and incidentally to regulate the shipping. Much of this law is incompatible with the laws of the United States, but it remains upon the State statute books in practically its original form. More particularly as the United States has asserted no jurisdiction over pilotage the State laws upon pilotage are in full force and effect.

The history of the question is enlightening. Up to 1879 pilotage had not been compulsory. There had been a considerable commerce utilizing the port, and there were many pilots who work in competition. Later, shipping fell off, so that with fewer vessels arriving the competition between the pilots became very keen. These men frequently cruised hundreds of miles to sea in the endeavor to pick up incoming vessels. Finding that they were earning a precarious living they conceived the idea of combining, of eliminating competition, and of fixing the rates at such figures that their good living would be assured regardless of commercial conditions. This they succeeded in accomplishing, and shortly thereafter procured the enactment of the State pilotage law, perpetuating the combination. Since the passage of the law the rates have been modified from time to time, largely as a result of public agitation. The table below shows the course which this action has taken; the charges listed apply to coastwise sailing vessels and to all vessels from foreign ports:

Draft of ship.	Prior to 1893.	Act of 1893.	Rule of 1897.	Rule of 1908.
6 feet and under.....	\$15.00	\$15.00	\$15.00	\$14.00
7 feet and under.....	16.50	16.50	16.50	16.50
8 feet and under.....	18.50	18.50	18.50	18.50
9 feet and under.....	21.00	21.00	21.00	21.00
10 feet and under.....	23.50	23.50	23.50	27.00
11 feet and under.....	33.00	33.00	33.00	32.50
12 feet and under.....	40.00	40.00	40.00	36.50
12½ feet and under.....	44.00	44.00	44.00	.....
13 feet and under.....	45.00	45.00	45.00	41.00
13½ feet and under.....	50.00	50.00	50.00	.....
14 feet and under.....	54.00	54.00	54.00	50.00
14½ feet and under.....	60.00	60.00	60.00	.....
15 feet and under.....	66.00	66.00	66.00	57.50
15½ feet and under.....	69.00	69.00	69.00	.....
16 feet and under.....	84.00	84.00	81.00	64.50
16½ feet and under.....	100.00	100.00	87.00	.....
17 feet and under.....	120.00	110.00	92.00	73.50
17½ feet and under.....	150.00	120.00	98.00	.....
18 feet and under.....	180.00	130.00	103.00	82.00
18½ feet and under.....	.....	140.00	108.00	.....
19 feet and under.....	.....	150.00	115.00	92.00
19½ feet and under.....	.....	160.00	120.00	.....
20 feet and under.....	.....	175.00	125.00	100.00
20½ feet and under.....	.....	190.00	132.00	.....
21 feet and under.....	.....	205.00	140.00	112.00
21½ feet and under.....	.....	220.00	150.00	.....
22 feet and under.....	.....	235.00	160.00	128.00
22½ feet and under.....	.....	250.00	170.00	.....
23 feet and under.....	.....	.....	182.00	146.00
23½ feet and under.....	.....	.....	195.00	.....
24 feet and under.....	.....	.....	210.00	168.00
24½ feet and under.....	.....	.....	.....	174.00
25 feet and under.....	.....	.....	.....	180.00
25½ feet and under.....	.....	.....	.....	186.00
26 feet and under.....	.....	.....	.....	192.00
26½ feet and under.....	.....	.....	.....	198.00
27 feet and under.....	.....	.....	.....	204.00
27½ feet and under.....	.....	.....	.....	210.00
28 feet and under.....	.....	.....	.....	216.00
28½ feet and under.....	.....	.....	.....	222.00
29 feet and under.....	.....	.....	.....	228.00
29½ feet and under.....	.....	.....	.....	234.00
30 feet and under.....	.....	.....	.....	240.00

Quite recently, in response to further public agitation, it is stated that the board of harbor commissioners has further modified the rules so as to provide that any master holding United States license may procure from the board of harbor commissioners a license to pilot a ship in and out of Charleston for one calendar year upon payment of one pilotage charge, plus a fee of 50 cents per registered ton of his vessel; which gives a limited relief to a limited class.

In connection with the present examination of Charleston Harbor, this office has received many complaints from shippers to the effect that the pilotage charges at this port are arbitrary, exorbitant, and detrimental to the development of the port. After looking into the situation, and conferring with various parties interested, I find that the complaints are not without justification; the charges are high, and the system itself is wrong in principle and subversive of the interest of the United States.

As to the charges, I submit below a comparison of pilotage charges at this and neighboring ports, as they are understood here:

Rates of pilotage.

Draft of ship.	Charleston (in or out).	Wilmington (in or out).	Savannah (in or out).	Jacksonville.	
				In.	Out.
6 feet and under	\$14. 00	\$17. 22	\$14. 00	\$24. 00	\$27. 00
7 feet and under	16. 50	20. 89	16. 50	28. 00	31. 50
8 feet and under	18. 50	23. 72	19. 00	32. 00	36. 00
9 feet and under	21. 00	26. 10	21. 50	36. 00	40. 50
10 feet and under	27. 00	33. 72	27. 00	40. 00	45. 00
11 feet and under	32. 50	40. 88	32. 50	44. 00	49. 50
12 feet and under	36. 50	45. 72	36. 50	48. 00	54. 00
13 feet and under	41. 00	50. 95	41. 00	52. 00	58. 50
14 feet and under	50. 00	62. 26	50. 00	56. 00	63. 00
15 feet and under	57. 50	72. 12	57. 50	60. 00	67. 50
16 feet and under	64. 50	80. 51	64. 50	64. 00	72. 00
17 feet and under	73. 50	91. 75	73. 50	68. 00	76. 50
18 feet and under	82. 00	102. 60	82. 00	72. 00	81. 00
19 feet and under	92. 00	114. 76	92. 00	76. 00	85. 50
20 feet and under	100. 00	125. 28	100. 00	80. 00	90. 00
21 feet and under	112. 00	140. 00	112. 00	84. 00	94. 50
22 feet and under	128. 00	160. 00	128. 00	88. 00	99. 00
23 feet and under	146. 00	182. 50	146. 00	92. 00	103. 50
24 feet and under	168. 00	210. 00	168. 00	96. 00	108. 00
24½ feet and under	174. 00		174. 00		
25 feet and under	180. 00	232. 50	180. 00	100. 00	112. 50
25½ feet and under	186. 00		186. 00		
26 feet and under	192. 00		192. 00		
26½ feet and under	198. 00		198. 00		
27 feet and under	204. 00		204. 00		
27½ feet and under	210. 00		210. 00		
28 feet and under	216. 00		216. 00		
28½ feet and under	222. 00		222. 00		
29 feet and under	228. 00		228. 00		
29½ feet and under	234. 00		234. 00		
30 feet and under	240. 00		240. 00		

This comparison is frequently advanced by supporters of the pilotage system as showing that charges here compare favorably with those at other ports, but this comparison is in one respect fallacious. At Charleston there is little enough need for a pilot at best. If required at all, the services of pilot are needed for the bar crossing only; the ocean outside is deep and the harbor within is deep and capacious. Charleston pilotage is essentially bar pilotage, and the bar channels are wide, deep, well marked, and easily navigated. The charges listed for Charleston are then in reality for bar pilotage service, while the charges listed for adjacent ports cover not only bar pilotage but river pilotage as well, each of the adjacent ports being a long distance up a river improved by artificial channels. A more logical comparison is as between charges

for pilotage at the Charleston entrance and charges for bar pilotage at neighboring ports. This is tabulated below:

Bar pilotage charges.

Draft of ship	Charleston (in or out).	Wilmington (in or out).	Savannah (in or out).	Jacksonville.	
				In.	Out.
6 feet and under.....	\$14.00	\$10.76	\$8.75	\$15.00	\$18.00
7 feet and under.....	16.50	13.06	10.25	17.50	21.00
8 feet and under.....	18.50	14.83	12.00	20.00	24.00
9 feet and under.....	21.00	16.09	13.50	22.50	27.00
10 feet and under.....	27.00	21.08	16.75	25.00	30.00
11 feet and under.....	32.50	25.55	20.50	27.50	33.00
12 feet and under.....	36.50	28.58	23.00	30.00	36.00
13 feet and under.....	41.00	31.84	25.50	32.50	39.00
14 feet and under.....	50.00	38.91	31.25	35.00	42.00
15 feet and under.....	57.50	45.08	36.00	37.50	45.00
16 feet and under.....	64.50	50.32	40.50	40.00	48.00
17 feet and under.....	73.50	57.34	46.00	42.50	51.00
18 feet and under.....	82.00	64.05	51.00	45.00	54.00
19 feet and under.....	92.00	71.72	57.50	47.50	57.00
20 feet and under.....	100.00	78.30	62.50	50.00	60.00
21 feet and under.....	112.00	87.50	70.00	52.50	63.00
22 feet and under.....	128.00	100.00	80.00	55.00	66.00
23 feet and under.....	146.00	114.06	91.25	57.50	69.00
24 feet and under.....	168.00	131.25	105.00	60.00	72.00
24½ feet and under.....	174.00		108.75		
25 feet and under.....	180.00	143.50	112.50	62.50	75.00
25½ feet and under.....	186.00		116.25		
26 feet and under.....	192.00		120.00		
26½ feet and under.....	198.00		123.75		
27 feet and under.....	204.00		127.50		
27½ feet and under.....	210.00		131.25		
28 feet and under.....	216.00		135.00		
28½ feet and under.....	222.00		138.75		
29 feet and under.....	228.00		142.50		
29½ feet and under.....	234.00		146.25		
30 feet and under.....	240.00		150.00		

The above tabulation shows that, considering the service actually rendered, pilotage charges here are high.

As to the system: It will be admitted that for the benefit of strangers it is necessary to have pilots on hand; it is necessary that they be efficient; and it is necessary that they be present in numbers sufficient to handle all ships that may require their services. It is also necessary that the charges be so arranged that the required number of pilots shall receive fair compensation for their services. All of which the compulsory-pilotage law is said to be intended to accomplish; but as administered the law serves a very different purpose. There are now more pilots than are required to handle the present or prospective business. There are 20, all told. Of these 5 are incapacitated and the remaining 15 are more than are now needed. In spite of which the pilotage charges are arranged to provide what is considered a living for each one of the 20 active members receiving full rates, and retired members half rates, and the local purpose is to continue taking care of these 20 men, regardless of the requirements of the port. This is acknowledged by those most interested. So that the South Carolina pilotage system actually places an impost upon interstate and foreign commerce and, for local pecuniary benefit, taxes utilization of the improvement effected by the United States. This certainly defeats, or tends to defeat, maximum and economical use of the improvement.

STATEMENT OF MR. EUGENE W. FRY, TREASURER SOUTHERN TRANSPORTATION CO., PHILADELPHIA, BALTIMORE, AND NORFOLK.

Mr. FRY. Mr. Chairman and gentlemen of the committee, our company operates 95 barges and 15 steam tugs. At the time our Government purchased the Albemarle & Chesapeake Canal, three or

four years ago, we made arrangements to build a number of suitable barges to be used to extend our barging business to the South Atlantic States. Of the 95 barges, nearly 50 are now constructed and equipped to enter the south Atlantic business.

We had planned, upon the completion of this Government free waterway, to develop a large barge traffic at the ports of Wilmington, Charleston, Savannah, and other south Atlantic ports. About a year ago a few of our customers who have been using our barges to transport their cargoes from North Carolina, Virginia, and Maryland to the northern ports were having a great deal of difficulty in securing sailing vessel and steamer bottoms to carry their cargoes from South Atlantic States coastwise to the northern markets. They finally suggested to us that we anticipate our plans in the matter of extending the barging business to the south Atlantic ports, with the result that we finally decided last year to place a few barges in that service during 1915. In carrying out this experimental business last year we were handicapped, of course, by being obliged to pay canal tolls on cargoes to the Lake Drummond or Dismal Swamp Canal and the fact that our barges were limited to 9 feet draft in going through this canal. In addition to these hindrances we encountered a serious obstacle in the form of pilotage fees that we were obliged to pay on our barges entering or leaving south Atlantic ports. These pilotage charges against barge traffic increased the cost of transportation by barge to the shippers and consumers, and at the beginning of our attempt to establish this barge business we used every effort through the city authorities and the pilot commissioners to have these unjust charges eliminated, but without result.

The pilots do not and can not render any service, even if they go aboard the barges, and up to very recently they very seldom went aboard the barges. They spoke the barges coming in as a matter of form merely in order to conform to the law. The law reads, I believe, that if the pilot speaks a barge or any vessel in tow and is advised that his services are not needed, from the very fact that he offered his services he can charge the barge the lawful State fees, and the fact that he reported or spoke the barges going in, it is not necessary for him to speak the barges coming out. The State law requires that the captain of the vessel must notify the pilot association a certain number of hours before he is ready to leave port, and if he does not do that and does not take a pilot on board he pays the bill nevertheless. Recently, or possibly within the last two months, or since the Atlantic Deeper Waterways Association brought this matter before the public at their Savannah convention, the pilots have been going on board the barges more regularly. While our tows have not stopped to take on pilots the pilot boats in ports where they have pilot boats run up alongside the barge and the pilot jumps aboard. He does not, however, render any service, and can not render any service. The barge is in charge of the steam tug which is towing the barge. The master of the barge is subject entirely to the orders of the master of the steam tug, who is a United States licensed pilot, and the tug is at all times responsible for the safe navigation of the barges. For instance, if a pilot should take the wheel or if the master of a barge should follow a different course by direction of the pilot than that of the tug, instead of following the tug as is cus-

tomary, and by that action should get the barge out of the channel and into trouble by collision or going aground, this would absolve the steam tug from all responsibility to the barges. The owners of the cargoes and the barges would have no redress from the pilot who got them into such trouble because the pilots are practically financially not responsible, and it is very unfair to the cargo owners and the barge owner to have such conditions forced upon them by any State law requiring a barge to take on a pilot.

The CHAIRMAN. How many men do you have on each barge?

Mr. FRY. Three men, trading to south Atlantic ports. If the barge fees were eliminated it would not mean an increased profit to the barge owner. In all the contracts or charters that we have been making since we have been trying to establish this barge business down there, we have in most cases inserted in the charter a clause that in addition to the freight to be paid by the charterer he will also pay whatever fees the barges are obliged to pay the pilots, so that really the shipper has been paying the freight and the pilot fees. In some cases the shippers object to bothering with the detail of these charges and say add it in to our freight bill, and so directly or indirectly the shipper or consumer pays this pilotage charge.

Mr. HARDY. In broken lots, say, less than a whole barge load, where you had 20, 50, or 100 shippers you could not make a contract of that sort, that they should pay that pilotage.

Mr. FRY. It would be impossible to carry on that kind of a traffic for the reason that a barge with a part cargo going down from New York or Philadelphia through the inland waterways, in and out of Beaufort Inlet, as the State law would compel us to put a pilot on from the Neuse River, through the Government cut through the free waterway, out over Beaufort Inlet. But I do not know of any reason why they made this North Carolina law compelling us to take pilots aboard barges in a part of the inland waterway at the Neuse River end of the Beaufort Canal, except they do not have any pilot boats down there and the only means of getting on board the boats would be by walking from the banks to the boats as they come in the canal. And if we were considering taking down a mixed cargo, say, a cargo consigned to three or four or five south Atlantic ports, that would be prohibitive. We would first have a pilotage fee to pay going out of Beaufort Inlet; then, say, we stop at Wilmington to unload a part of the cargo, we would have a pilotage fee to pay at Wilmington, and then another pilotage fee at Charleston in and out, and if we had to stop at Savannah we would have to pay another pilotage fee in and out of Savannah, and so on to Jacksonville. So that to run these mixed cargoes on the boats, it would be prohibitive on account of the many pilotage charges we would have to pay going into so many of the different ports.

Our interest in this matter is to develop a large barge traffic in the South. There is a great field and a great opportunity for a large barging business down there. We will not be alone in the field. There will be many barge owners in the business when the freer waterway is completed, and the barge owner can not charge an exorbitant rate of freight or the shippers who are wise men will build barges of their own, and the large shippers in the South will use their own barges to get their products to market. So that our interest in

the matter is not a financial or entirely selfish one. It is a question of wishing the elimination of these pilotage charges to make it possible for us to extend our business and build up a large business in the South. We are building additional barges each year. We are looking for new business each year and for new fields of business, and we see a very large field for the barge business down there, and we want you gentlemen to assist us, and I know the shippers and consumers want your assistance to enable them to get their products to market and at a reasonable rate of freight. It has been a serious problem for some time.

Mr. BURKE. What number of pilotage charges do you have to pay on a barge for a single trip commencing where you are required to have a pilot, from North Carolina down to Jacksonville, Fla.?

Mr. FRY. It depends. As I say, on account of these pilotage charges in each port we have not undertaken to go in or take cargoes from more than one port at one trip. We will load a cargo for Savannah or Charleston or Wilmington.

Mr. BURKE. Suppose you had to stop at every port where business can be secured, what number of pilotage charges would you have to pay?

Mr. FRY. On a 9-foot barge going out of Beaufort Inlet it costs one way loaded, going through the Beaufort Inlet, \$22.50 per barge. The lawful pilotage into Wilmington on the same barge drawing 9 feet would be \$26.70 one way, loaded. Into Charleston one way, loaded, \$21. Into Savannah one way, loaded, \$26.50. I do not have the exact figures for Jacksonville, but it is about the same—\$26.

Mr. BURKE. You would be obliged to pay five different pilotage charges?

Mr. FRY. Yes; at every port we entered, according to the State laws we would be obliged to pay the pilotage charges.

Mr. PRICE. That is going in one way?

Mr. FRY. Yes; the law permits the pilots to charge going in and coming out.

Mr. PRICE. It would be double that?

Mr. FRY. Yes. For instance, to go into Savannah and unload part there and then come out, with the balance of the cargo going to Charleston or Jacksonville, you would get a charge both ways.

Mr. GOODWIN. Do you know of anyone opposed to this legislation except the pilotage association?

Mr. FRY. I have heard of no one. All the shippers and people in the South, the business men of the South, are very much in favor of this barge traffic, and have been trying to eliminate these pilotage fees, and in fact the Charleston people asked me to meet their mayor, Mr. Grace, to see if something could be done to eliminate those unjust charges or taxes against their business, and they called in Commissioner Williams, the chairman of the Pilot Commission. We thought at that time that the mayor would do something for us; but after a conference with Mr. Williams he did not seem disposed to take any action. The chamber of commerce was interested at that time, and since then the present chamber of commerce has passed a resolution, as Congressman Small has said, favoring this bill. At that time they issued a circular, and they sent it out to everybody in Charleston last year, asking the people of Charleston to consider

very seriously this new barge traffic coming into their port. I will be very glad to submit it for the record.

(The circular letter referred to will be found at the conclusion of Mr. Fry's remarks.)

Mr. BURKE. Are these pilotage charges required by State law or by the different municipalities in which the harbors are situated?

Mr. FRY. By the State laws. It is compulsory State pilotage.

Mr. BURKE. Do the municipalities also have an ordinance requiring it?

Mr. FRY. No; I do not think so; I think it is entirely a State law.

Mr. HARDY. Why was it when the North Carolina Legislature had this matter up that the people interested in the barge business did not go before the legislature and present their opposition?

Mr. FRY. That is rather a delicate question to answer. The pilot associations are very strong in those States in the South, and they have great political influence. I think very strong efforts have been made by the local business men in some of those States down there to bring about a remedy for this matter through their own legislatures, or in some other manner, but I know it has not been successful.

Mr. HARDY. I will put the question another way. Did the barge owners go before the legislature?

Mr. FRY. Not the barge owners, because the barge business is practically in its infancy down there, and when we engaged in it in the early part of last year we started in with city of Charleston and went before the mayor of Charleston, the pilot commissioners, and the board of trade and did everything we could, and the business men told us "it was no use."

Mr. HARDY. I am talking about the States. Did anybody go before the legislature in opposition to the law they passed?

Mr. FRY. Not since we have been down there, for the reason that the customers we were doing business with just threw up their hands and said it was of no use; that it had been tried, but without any success.

Mr. GOODWIN. Do you know if any shippers or consumers have ever gone before the legislature?

Mr. FRY. I do not know what the experience has been in detail in that respect. Probably some of the gentleman here from the South could speak more intelligently on that than I could.

Mr. SMALL. You have given the pilotage charges on a barge of 9 feet draft. Could you file with the stenographer for the record a list of the pilot charges for the various sizes of the barges, not now, but later in the day?

Mr. FRY. A list of the pilot charges on barges drawing different drafts?

Mr. SMALL. Yes.

Mr. FRY. I would be very glad to do that.

Mr. SMALL. I will ask Mr. Fry to obtain the list of the charges and reduce the figures and apply them to the lumber trade, how much it would be per thousand at those several ports, and also as to coal.

Mr. FRY. In taking coal from New York, Baltimore, Philadelphia, or Norfolk, or railroad iron, gravel, plaster, cement, and all such cargoes, fertilizer materials, the pilotage tax, as we call it on that

cargo, out Beaufort Inlet and into Charleston would be about 6 cents a ton on small cargoes, with a limit of 9-foot draft, and 7 cents a ton to Savannah, for just entering one port after coming out of Beaufort Inlet. On cargoes of lumber or such commodities it figures out on about 1,000 feet of lumber, actually 10½ cents out of Savannah and a little less than 10 out of Charleston.

Mr. GOODWIN. For each port?

Mr. FRY. For each port, yes. If we undertook to load a barge partly in Savannah and finish loading her at Charleston, or stop at the mills at Port Royal and finish up at Wiggins, the additional pilotage charges would be so prohibitive that we have not considered such business thus far.

Mr. RODENBERG. You just take through business?

Mr. FRY. We just handle through business.

Mr. HARDY. Is it the pilotage charge that has prevented you from touching at intermediate points and necessitating your making the trip a one-port trip?

Mr. FRY. Largely so.

Mr. GOODWIN. Could you furnish the committee with a list of the pilotage charges through all these southern ports where the States have this law—say on a barge of coal and a barge of lumber—the total charges?

Mr. FRY. You mean stopping from port to port all the way down from North Carolina, touching these southern ports which have pilotage laws?

Mr. GOODWIN. Yes.

Mr. FRY. I should be glad to make up those figures giving the total assessment all along the line and send it to the committee.

(The following is the statement as furnished by Mr. Fry:)

FEBRUARY 2, 1916.

DEAR SIR: Below please find list of the pilotage fees charged on barges when entering or leaving South Atlantic ports. Until the Government canal through North Carolina is completed we can only load our barges to a draft of 9 feet when sending them through the inland waters from Norfolk to Beaufort Inlet, in order to eliminate the long and dangerous passage around Cape Hatteras; but in this list I also show the charges for barges of 10-foot, 11-foot, and 12-foot draft, with the exception of Owens Ferry. We do not have the published Owens Ferry rates and, so far, we have only brought barges out of Owens Ferry drawing 9 feet loaded. I am giving the list up to a draft of 12 feet only, as the Government free waterway now being constructed through North Carolina will be of 12 feet depth.

Draft.	Neuse River to Beaufort Inlet (each way).	Wilmington, N. C. (each way).	Charleston, S. C. (each way).	St. Helena, S. C. (each way).	Point Royal, S. C. (each way).	Savannah, Ga. (each way).	Brunswick, Ga. (each way).	Owens Ferry, Ga. (each way).	Jacksonville, Fla. (each way).
9 feet.....	\$22.50	\$26.70	\$21.00	\$27.00	\$27.00	\$26.50	\$26.00	\$26.00	\$22.50
10 feet.....	25.00	33.72	27.00	21.00	31.00	32.00	31.75	.....	25.00
11 feet.....	27.50	40.88	32.50	35.00	35.00	37.50	37.75	.....	27.50
12 feet.....	30.00	45.72	36.50	40.00	40.00	41.50	43.75	.....	30.00

If we should load a barge at more than one South Atlantic port we would have to pay the inward and outward pilotage (according to the draft of the barge) each time we entered any port to take on part cargo. We have tried loading cargoes of lumber at two different ports in Georgia, but we were

obliged to discontinue this kind of business on account of the pilotage and, of course, the pilotage would prohibit our loading part cargoes at three or four different ports.

Respectfully, yours,

EUGENE W. FRY.

(Circular letter of the Chamber of Commerce of Charleston, S. C.)

CHARLESTON CHAMBER OF COMMERCE,
Charleston, S. C., February 8, 1915.

DEAR SIR: Below I give you a copy of minutes covering discussion in which the new lines committee of the chamber of commerce participated at a meeting held January 14 at 1 p. m. There has been a delay in bringing this matter to your attention, as we were hoping to secure additional data.

Mr. Harvey offered a resolution, which was seconded, that a letter be prepared to be sent to all of the larger merchants of the city who control tonnage of any consequence, drawing to their attention the new barge line which is just beginning operation between the ports of Philadelphia, Baltimore, Norfolk, and the port of Charleston, using an inland route; barges each of about 750 tons burden, absolutely new, insurance rate on them does not exceed that on a new schooner; the time consumed from Eastern ports to Charleston average about five days. The rates unquestionably will be lower than via regular coastwise lines.

I would particularly call to your attention the discussion of the new barge service between the ports of Philadelphia, Baltimore, Norfolk, and Charleston, both north and southbound. While it is not my purpose as chairman of this committee to recommend one transportation line as against another it is pre-eminently our duty to draw to the attention of all shippers and receivers of freight in Charleston every new avenue of transportation and to give such facts as may be presented to us. Therefore I would draw to your attention three points which the barge service would seem to emphasize, namely, first, low rates of freight; second, a reasonably prompt service, as the tugs towing these barges are sufficiently powerful; the barges are sufficiently well built and the route used is an inland route; third, the opportunity offered of a regular service between two north Atlantic ports, Philadelphia and Baltimore, also a south Atlantic port with which the port of Charleston has not heretofore been in direct water communication, Norfolk, Va.

Yours, truly,

C. B. HUIET,
Chairman New Lines Committee.
A. V. SNELL,
Managing Secretary.

**STATEMENT OF MR. E. W. DURANT, JR., VICE PRESIDENT OF
THE E. P. BURTON LUMBER CO., CHARLESTON, S. C.**

Mr. DURANT. Mr. Chairman, the reason our company is intensely interested in pilotage is that there is an excess charge. From the Charleston capes to Norfolk the rate to Norfolk in ordinary times would be about \$2. Therefore in our lumber business we are always \$2 under them in getting into the northern markets. This charge for pilotage of about 9 or 10 cents is that much in excess. There is absolutely no service rendered for what we have to pay. Many times, as has been said here, pilots do not go on the barge. I have had this matter of pilotage to contend with for 10 years and never have been able to do anything with it. There is this little feature about it: Many of the people who have gone into the business come from various places and they do not know the local people and so have not been able to get this matter adjusted.

Mr. SMALL. What is the attitude of the men engaged in industrial activities in Charleston regarding this compulsory pilotage on barges?

Mr. DURANT. They feel that it is an unnecessary tax; that no service is rendered whatever.

Mr. SMALL. Is there any necessity for a pilot going in or coming out of Charleston Harbor?

Mr. DURANT. There is no necessity whatever for a licensed pilot on a barge behind a tug.

Mr. SMALL. You mean the tug having a licensed pilot the pilot on the barge is unnecessary.

Mr. DURANT. Yes.

Mr. SMALL. Has your chamber of commerce in Charleston taken any action on this bill?

Mr. DURANT. The people there have just become aroused as to what is taking place. There was a meeting Friday night and at the close of it (out of 25 directors of the chamber of commerce 17 were present), they unanimously indorsed a resolution favoring this bill. Absolutely every director present voted for it; there was not a dissenting vote.

Mr. SMALL. Of how much importance do you regard the building up of this barge traffic?

Mr. DURANT. The barge business must necessarily be a big business; for instance, for our lumber interests, where it is bulk freight, and the barges are within the reach of any ordinary company; they probably only cost \$10,000 to \$15,000 to build. Our company thought at one time of buying a steamer off the Lakes; on this there would be no pilotage. That was one of the features that we thought of, as no American coastwise steamer pays any pilotage.

Mr. PRICE. If this bill does away with compulsory pilotage would it not be a discrimination against sailing vessels?

Mr. DURANT. It would somewhat; yes; but a sailing vessel coming into a port might want to have a pilot coming in. I mean the captain of a sailing vessel, if he came down under his own power, might want a pilot anyway coming into a harbor. Frequently the schooner captains are very anxious to get in and get ahead of the pilots. If there is a storm, that is the time they take delight in sailing in. They can sail right into Charleston Harbor without a pilot.

Mr. SMALL. But if they are spoken they have to take on a pilot?

Mr. DURANT. If they are spoken they have to take on a pilot, or if they do not they have to pay him anyhow just the same.

Mr. HARDY. Is not that already a discrimination in favor of the steamboat?

Mr. DURANT. Our firm pays about \$3,000 a year for pilotage, which we claim is unnecessary.

Mr. SMALL. Your one firm pays \$3,000 a year?

Mr. DURANT. Yes, sir.

Mr. BYRNES. Speaking more particularly on the question of freight rates, for instance, the 10½ cents a thousand feet on lumber in favor of the barge, there would be a discrimination to that extent against the sailing vessels if you subject them to compulsory pilotage?

Mr. DURANT. Yes; that would be so. One of the advantages though is that you would get dispatch. We know about what time a barge leaves Charleston for Philadelphia or New York with a cargo of lumber and what time she will ordinarily get there. She may take three or four more weeks though than we anticipate if she goes around Hatteras. Now, dispatch means a lot to us, if we can get it.

Mr. BYRNES. Is there any considerable part of the lumber business done now by sailing vessels?

Mr. DURANT. Not now; they have gone into other channels and are going abroad now, many of them.

Mr. HARDY. Is not one of the reasons that the sailing vessels are going to sea that they are subject to these additional charges that steam vessels do not have to pay?

Mr. DURANT. There is no doubt that is true.

STATEMENT OF MR. EDWARD F. HENSON, PRESIDENT EDWARD F. HENSON & CO., LUMBER MERCHANTS, PHILADELPHIA, PA.

Mr. HENSON. Mr. Chairman and gentlemen of the committee, I am here representing no barge or no company owning barges. I am here as a merchant. I have spent my lifetime in the shipping business, in merchandising goods that have been brought into our coast and shipped away from our coast; 7 years with an importing and exporting firm and some 32 years in the lumber business, and mostly connected with the coastwise trade. This barge matter I consider of the utmost importance for the development of the southern ports.

When I first came in the business we handled lumber from no farther south than Virginia and North Carolina, and it was brought here altogether in schooners, and from North Carolina we were paying freights of from \$4.50 to \$5.25 plus a high insurance rate. The schooners traded both inside and outside, the insurance being much higher when the outside voyage was made.

Mr. SMALL. \$5.25 per 1,000 feet?

Mr. HENSON. Yes; per 1,000 feet; and to that charge an additional charge or cost of about 25 cents for marine insurance for that short voyage, and sometimes more in winter. Congressman Small has spoken about North Carolina having no ports; but back in 1884 to 1886 I remember that lumber from North Carolina was being brought north in small schooners that carried from 90,000 to 125,000 feet, and they were able to take on only a half cargo at the mills and the balance would have to be put on lighters, and then the vessel and the lighters would proceed to Hatteras over the bar and the balance would be loaded on to schooners outside the bar.

Mr. SMALL. Since that time Hatteras Inlet has been closed to navigation.

Mr. HENSON. The insurance is much higher when the outside voyage is made, and to lower the rate of freight it became necessary that we use barges for transportation. By the use of barges from the inland waters of North Carolina, mainly from the Pamlico River to Philadelphia, we reduced the cost of our freights from the \$4.50 to \$5.25 as aforesaid to first \$3.25 and later down to \$2.40. These rates included loading and unloading expense and tolls in two canals, and this was accomplished although the barges were limited to a beam of 23 feet 10 inches and a draft of about 7 feet or 7½ feet. And I wish to say to all who are interested in the development of our coast trade that had we possessed adequate depth of water and a better beam for the boats that that cost, instead of being reduced to \$2.40, would have been reduced down to \$1.25. And just in my own experience of 30 years in that trade the people of North Carolina have been

- receiving just about \$1.50 a thousand less for their lumber than they would otherwise have received had the Government afforded proper channel facilities and the canals been made free of tolls. We pay 55 cents a thousand toll and yet achieve a rate of \$2.40.

Mr. SMALL. How much of a reduction would there have been to users of the lumber? Have you figured out how much the users would have benefited?

Mr. HENSON. That is a question that if you studied from now until doomsday you would not be able to answer satisfactorily. We know that if a mill is situated far enough away from a market so that it costs \$2 to get to the market the mill receives that much less if it ships to that particular market. Barging has proved a more reliable, safer, and more efficient method of transportation than sailing vessels had been. The reduced cost of our freight that we obtained was secured by loading the barges northbound with lumber only and sending them south light. For the past 16 years we have been handling, in addition to lumber from Virginia and North Carolina, lumber from South Carolina, Georgia, and Florida, and from the Gulf, and in more recent years lumber from the Pacific coast. My experience leads me to conclude that the barging of lumber from the more southern Atlantic States will produce economies which will be, as compared with sailing-vessel freighting, of material benefit to the public at large. The more effective and regular the methods of freighting the more economical are they likely to be, and the introduction of barging traffic to the far Southern States is a business that should be encouraged in every way. It is true that until the canals are deepened and widened that the best results from barging can not be obtained; nevertheless I believe immediate betterment to be possible, even under the present bad conditions, and if the Government will but make the canals free, deepening them to 12 or 15 feet, the economies and betterment of our coastwise traffic will be incalculable. The passage will be made partly outside, but, nevertheless, the dangerous rounding of Hatteras can be avoided. Our past experience with barges has taught us that we can calculate within a few hours the exact arrival at both shipping port and destination, while the arrival time of sailing vessels is frequently indefinite for weeks. The consumers of lumber on our north Atlantic coast have with the opening of the Panama Canal another available source of lumber, which will be brought to our east coast almost entirely by steamers. All of this lumber we have so far received has come from British Columbia in foreign bottoms. Those foreign vessels can be obtained at rates of freight so much cheaper than vessels able to ply in our coastwise trade that it brings serious competition against our own manufacturers. This west-coast product therefore affords another reason for bringing into effect every possible economy.

The price of lumber is a transportation problem. Reduce the cost of transportation from the South Atlantic to the North Atlantic coast and protection will be afforded to the shippers of southern pine. If, however, freights are not bettered or delivery made more economical, the cost to the consumer will be increased and coastwise commerce hindered instead of receiving the encouragement to which it is entitled.

The coastwise situation so far as freight is concerned has been growing more acute from year to year. The operation of schooners

has not been profitable except in an unusual year, and it was difficult enough to obtain tonnage before this war situation came into effect and since then the situation is extremely bad. Not only are better freight facilities desirable (and we can only hope for them by the development of this barge business), but it is a necessity.

Mr. HARDY. You say the difficulty of obtaining tonnage; you mean the difficulty of obtaining shipping capacity?

Mr. HENSON. Yes; that is what I mean by tonnage. That is the common way of speaking of tonnage. Freightage by schooners is behind the times in many ways. It is possible to better them, but they have been slow, and I speak particularly of the slow method of loading schooners into bow ports and the necessarily slow progress of unloading, through the necessity of taking cargoes out of those bow ports, and that is particularly true of timbers.

Now, we need competition in freight. I heard some one here say that this traffic might become a monopoly. I tell you, gentlemen, from my experience in this business I have no fear of that whatever. The waters are public highways, and any man can engage in the business with one barge. There will be plenty of competition.

Now, with reference to pilots. I have always had a good opinion of the pilots as men. I shall be sorry if there is any serious or material opposition to this bill from the pilots or any one of their associations. No business man objects to paying a reasonable price for a service if it is rendered, but we do all object to paying for a service that is not rendered; and in connection with barges in tow of a tug or steamer, not only do the pilots render no service but it is impossible for them to render any service worth while. The best they can do is to scrape the paint off in climbing on or off a barge and ask the captain if he has any tobacco. Not only can he render no service but he is an absolute disadvantage to the owner of the barge, because his mere presence on that barge may tend to make void any claim which the barge might have against the tug in charge of the barge responsible to the barge; and one barge owner told me that he would rather have a tug drawing his barges than a marine insurance policy on it, and yet that right which the barge owner has to look to the tug may be taken away from him solely by the pilot coming on board. Nor do I look upon the pilots as needing any charity. If the pilots are permitted to continue to collect pilotage charges for services that are not rendered, they are simply making of themselves objects of charity and public charges. And if they are to be objects of public charity, public charges, it is not right that they should be maintained by any people to whom they render no services. There would be far more justice in a pilot collecting revenue of which he may be short from the attorneys of the country, because the pilots do sometimes employ attorneys and the attorneys get something out of them; but the barges obtain nothing whatever from these pilots.

That is the true situation. If it is not charity, then it becomes something even worse, and that is legal robbery; legal robbery to take money from any concern, any traffic company, any vessel, for which no service is rendered, and it is unjust, unfair, and an obstacle to the development of our southern ports; and I am enough of a southerner—for I lived there long enough—to feel the South is my half home.

We have no compulsory pilotage on barges in tow of tugs in the port of Philadelphia. A sailing vessel is permitted to employ a pilot if it pleases, and then service is rendered for which payment is made. A sailing vessel, however, is privileged to go into a harbor without a pilot if he knows the harbor.

One of the gentlemen here asked if these pilotage laws were not enacted for fear the vessel might get aground and obstruct the passage and was, therefore, enacted to maintain an open harbor. I beg to differ and, if you will pardon me, to say that you are absolutely mistaken. I think it is a safe bet of a silk hat to a nickel that there is not a harbor along the whole South Atlantic coast where a vessel could go around and obstruct the passage. In the first place, to get aground they would have to be out of the channel, and I have never yet seen any channel that was so narrow but that any such vessel aground would leave plenty of room, plenty of free passage, for any vessel that desired to come in or out.

Mr. GOODWIN. You find that these pilotage charges operate not only as a burden, but likewise as a discrimination upon the lumber of Southern States seeking coastwise routes?

Mr. HENSON. I did not quite catch the question.

Mr. GOODWIN. I say that your conclusion is that it is not only a burden upon the lumber industry, for instance, but likewise a discrimination against the lumber of the Southern States seeking coastwise routes.

Mr. HENSON. It certainly is.

Mr. GOODWIN. To Eastern States—for instance, to New York and Philadelphia and other points, coming from Louisiana up through the southern ports; I say that is a burden, and not only a burden upon the lumber and its cost to destination, but it is a discrimination?

Mr. HENSON. Certainly. The cost of pilotage charges must be paid by some one, and I think it was your question, sir, as to who paid the pilotage. In answer to this I will say that I think in some years the consumer pays it, in other years the dealers pay it, and in other years the manufacturers pay it. Of course, that is in lumber. On fertilizer I think your farmer pays it.

Mr. HARDY. But somebody always pays it?

Mr. HENSON. Yes. And every tax that you put upon commerce in this country just puts us in that much poorer condition to compete with our competitors in other countries. Now, there is one more thing, and this I consider important. The pilotage laws are suppose to be enacted for the safety of vessels, and we will consider a tow coming north from Jacksonville. It leaves Jacksonville with one barge load, comes north to Savannah, where it desires to pick up another barge. If it brings that Jacksonville barge into the harbor, so as to leave it there within the bar in safety while it goes after the second barge, it is liable for pilotage in and out for that barge. It is true that there has been no collection made on such barges yet, but under the law it can be collected, and it is my opinion that unless this bill be enacted we will see these pilots collecting charges on such vessels.

Mr. GOODWIN. In and out, both ways; a double charge?

Mr. HENSON. In and out, both ways; a double charge.

Mr. GOODWIN. Into a port and out of that port.

Mr. HENSON. Into a port and out again, where the barge is in there for loading or unloading. The Jacksonville barge comes up and is brought into the harbor just for safety while they go to the mill for the second barge and then go back and pick it up. But if these barge charges are put on, when the weather is at all favorable the tug will be liable to leave that barge outside to avoid the charge in and out, and thereby you are jeopardizing lives and property.

Mr. RODENBERG. I would imagine that would be the practice now in order to avoid those charges.

Mr. HENSON. Yes; but at present they are not making that charge. As to the question of necessity for these pilotage laws, you must remember that the work of buoying harbors of our coasts has been gradually brought about. There was a time when the local pilots were the only ones who knew the way into the harbors, but it would be difficult to-day, gentlemen, to find any harbor on the coast that is not so well buoyed that any good pilot can find his way in and out. I agree with the pilots to this extent: That it is necessary that a pilotage system should be maintained at every port; it is necessary for the foreign trade and for the vessels that need it and for the safety of lives and property, and if the revenue which is obtained—a reasonable revenue—which is obtained from the vessels which use the pilots is insufficient, then the balance should be paid either by the port or by the State in which the port exists. It should not be paid by vessels who do not use the pilots and who have no use for them.

Mr. GOODWIN. Are these charges arbitrary?

Mr. HENSON. They are fixed by the State.

Mr. GOODWIN. You think the charges are excessive even if they are necessary?

Mr. HENSON. Well, I heard that the pilots at Norfolk during the busy time of last year have been making something like \$1,500 a month apiece, but I can hardly believe that. But all the information I have ever obtained in connection with the Delaware and Pennsylvania boats is that the pilots are very well paid. The fact that they maintain a lobby here at Washington certainly indicates such fact.

Mr. DURANT stated that it would be a discrimination against sailing vessels. I am of the opinion that the fewer obstacles we have to trade along our coast the better for us and the better for our entire country, and I am also of the opinion that the sailing vessels should be free from this compulsory pilotage charge, the same as they are from the Virginia Capes north.

Mr. HARDY. Do you know why any sailing vessel should be subject to the tax that does not apply to steam vessels also?

Mr. HENSON. No; if he needs a pilot he will take one for the safety of his vessel, in which the captain is frequently interested, and for the safety of his own life. If he does not need a pilot he knows it and can go in without. But frequently it is a common occurrence for a sailing vessel to pick up a tug at sea and be towed all the way in.

Mr. HARDY. If a sailing vessel has one United States pilot why should she be required to have a local pilot any more than a steam vessel?

Mr. HENSON. She should not have it. But even when a sailing vessel picks up a tug at sea and is towed in all the way, in the southern ports she is obliged to pay pilotage, and it is all wrong.

Mr. HARDY. And in that case the same principle applies that you seek to have applied in this barge bill?

Mr. HENSON. Absolutely. I just want to make one point clear about full cargoes. It has been my experience in the coastwise trade, with the exception of the steamships, that the business is done almost entirely in full cargoes. It is true sometimes that a cargo may be loaded at a mill which has to be unloaded at one or two places, but the barge trade is full-cargo trade.

Gentlemen, I thank you.

(Thereupon, at 1 o'clock p. m., a recess was taken until 2 o'clock p. m.)

AFTER RECESS.

The committee reconvened pursuant to the taking of the recess.

The CHAIRMAN. We are ready to proceed, Mr. Small.

Mr. SMALL. The next gentleman whom I will call is Mr. Hugh Miller, who is connected with the Virginia-Carolina Chemical Co., whose headquarters are in Richmond, Va.

STATEMENT OF MR. HUGH MILLER, RICHMOND, VA., REPRESENTING THE VIRGINIA-CAROLINA CHEMICAL CO.

Mr. SMALL. What position do you occupy with the company, Mr. Miller?

Mr. MILLER. I am assistant manager of the general manufacturing department.

Mr. Chairman, the Virginia-Carolina Chemical Co. transfers or moves by boat a very large tonnage of materials of various kinds between several factories located on the water. In past years we have relied almost entirely on the use of sailing vessels, especially connecting the southern factories with the northern factories, and vice versa, but in recent years the sailing vessels have gotten scarcer and scarcer each year, and even before the present abnormal condition, brought about by the war in Europe, we found it a very difficult matter to obtain vessels, and it was quite a problem with us to know how to move these materials to the best advantage. So that we were very much delighted when the barge people indicated their willingness to go into the South Atlantic waters. As a matter of fact, I think probably we were one of the concerns who prevailed on the Southern Transportation Co. to try it out.

On one item of transportation alone, phosphate rock, from one of our mines located at Chisholm Island, S. C., we move that material almost exclusively to our factories located at Wilmington, N. C., and Savannah, Ga., and under the present system of pilotage charges we pay, through the Southern Transportation Co., to the pilots, about \$3,000 to \$3,500 a year on the movement of that one product alone; and, from all the information we have, we feel satisfied that there is no necessity for it, and for that reason, we would like to see it abolished.

If the project which has been discussed for a good many years, for the Government to undertake to extend this inland water route all the way through the South, is consummated, and with the abolishment of compulsory pilotage, we believe that there would be a tremendous development in the increased use of barges between the northern and southern ports, and vice versa, and we would like very much indeed to see that situation relieved of all unnecessary burdens. We believe—in fact, we know—that we could get a cheaper rate for the transportation of our products, which would be of benefit to our consumers.

The CHAIRMAN. What did I understand you to say your business is?

Mr. MILLER. Fertilizer business—Virginia-Carolina Chemical Co.

The CHAIRMAN. You manufacture and distribute to the farmers?

Mr. MILLER. Yes, sir.

The CHAIRMAN. Fertilizer?

Mr. MILLER. Yes, sir.

The CHAIRMAN. And if you had this additional charge removed, it would enable you to sell your product at a less price to the farmer?

Mr. MILLER. Yes, sir.

The CHAIRMAN. You would give him the benefit of it, you think?

Mr. MILLER. Yes, sir.

Mr. GREENE. How long have you been in the business?

Mr. MILLER. Twenty years.

Mr. GREENE. What was your former method of having this material transported?

Mr. MILLER. We had to rely almost exclusively—in fact, for the southern business, exclusively—on sailing vessels; and, as I say, for a number of years past it has been more difficult every year to secure sailing vessels, and, with the present abnormal conditions, it has got to be a very serious problem with us to secure sailing vessels at all. And we were very much delighted when we found that the barge people were willing to enter the south Atlantic waters.

Mr. GREENE. In your dealings with the schooners, did you pay the pilotage in addition to the freight, the same as you do now?

Mr. MILLER. No; we merely paid a rate of so much per ton for transportation from one place to another.

Mr. GREENE. And the schooner owners—

Mr. MILLER. They paid the pilotage. Of course, we paid it indirectly.

The CHAIRMAN. Are there any other questions?

Mr. SMALL. Mr. Miller, as illustrating how these charges for pilotage on barges may grow, I understood you to say that you operated barges between southern ports?

Mr. MILLER. Yes, sir.

Mr. SMALL. That is to say, between Chisholm Island, Savannah, and Charleston?

Mr. MILLER. Yes.

Mr. SMALL. What was the gross annual amount which you were compelled to pay, say on one barge, going in and coming out of those ports?

Mr. MILLER. I do not know that I have the figures in my mind as to the pilotage charges for the movement of one barge going in and out, but I do know that on the movement of one commodity—that is,

phosphate rock—from Chisholm Island to Wilmington, we paid a pilotage of between \$2,500 and \$2,800 this year.

The CHAIRMAN. You say this year?

Mr. MILLER. That is, within the last 12 months.

Mr. SMALL. That is simply on the movement of one product—phosphate rock—between Chisholm Island and Wilmington, N. C.?

Mr. MILLER. Yes, sir; in other words, we have to pay this compulsory pilotage. For instance, when the barge goes into Chisholm Island to load, she has that pilotage charge, and when she goes into Wilmington, of course there is a charge there—as I understand it. Take the movement from Chisholm Island to Savannah, of course, they have the pilotage at Chisholm Island, and they have the pilotage charge to pay at Savannah, and, under the present law, they would have a right to charge on that barge when she clears from Savannah. There has been no charge of that kind that I know of, but they have the right to make that charge.

Mr. SMALL. That is, when they go out light?

Mr. MILLER. Yes, sir.

Mr. CURRY. Do they have to pay pilotage when they go out light?

Mr. MILLER. Yes, sir.

Mr. SMALL. Mr. Curry was not here this morning. He is a member of the committee.

Mr. MILLER. They are compelled to take pilotage in this way and whether the pilotage service is actually rendered or not, and a charge is made for the service.

Mr. CURRY. That is, if the barge is spoken. In that case, how much do they charge for it?

Mr. MILLER. The rates vary. I am not posted on that myself.

Mr. CURRY. The barge you are speaking of, do they take a pilot or simply pay for being spoken?

Mr. MILLER. As I understand that, only occasionally did a pilot actually go on board the barge.

Mr. CURRY. Are the captains of all these barges competent and capable to pilot boats in and out of the harbors?

Mr. MILLER. The captain in charge of the tug is a licensed one. All the barges are hauled by tugs.

Mr. CURRY. What I mean is, Are the captains of the tugs competent to take those barges in and out of the harbor?

Mr. MILLER. They are in tow of a steam tug in charge of a United States licensed pilot, and the captain of the barge, as I understand it, is plenty capable of following the course of the tug.

Mr. BYRNES. What did you say you paid for pilotage this past year?

Mr. MILLER. On the tonnage we have moved this year from Chisholm Island to Wilmington, the pilotage charges have been about \$2,500 to \$2,800.

Mr. GREENE. That has been in the last 12 months?

Mr. MILLER. In the last 12 months.

Mr. BYRNES. You pay when you go into Chisholm Island?

Mr. MILLER. Yes, sir.

Mr. BYRNES. At Beaufort—do you go into Beaufort River?

Mr. MILLER. No; they go through St. Helena Sound, as I understand it.

Mr. BYRNES. Do you have to pay at Savannah going back?

Mr. MILLER. After the cargo is discharged?

Mr. BYRNES. Yes.

Mr. MILLER. Going in, of course there is pilotage. Coming out, as I understand, they have the privilege to charge, but do not.

STATEMENT OF MR. W. V. KEENE, REPRESENTING THE HILTON-DODGE SALES CORPORATION, NEW YORK CITY, N. Y.

The CHAIRMAN. What is your connection with the company?

Mr. KEENE. I am in charge of the New York office.

The company which I represent operates seven sawmills in Georgia and South Carolina. When they are all running full, we cut upward of a hundred million feet per year. Up to within the last few years we have transported that lumber practically entirely by sailing vessel. In fact, for three or four years, I remember when we had over 35 sailing vessels under charter at one time. The sailing vessels have been slowly going out of existence, and it became more difficult all the time to get our lumber forwarded. The lumber would pile up at the mills and we would have nothing to move it. So, in 1912, we decided to build some barges of our own to try and relieve this situation. We built eight barges and a tugboat, which we are now operating and which carry a part of our product.

The CHAIRMAN. Seagoing barges and tugs?

Mr. KEENE. Those are seagoing barges. On those barges we have to pay pilotage in and out of all southern ports where we go, regardless of whether we accept the service of the pilot or not.

Mr. SMALL. Can you say how much you pay annually in pilotage fees?

Mr. KEENE. I wouldn't want to answer that without consulting the records, but it is in the neighborhood of \$7,000 a year, I would say, without the figures before me. We have a licensed pilot on our tug, and the barges simply follow it in and out, regardless of whether there is a pilot on board or not. We maintain that the service of a pilot is entirely unnecessary.

The CHAIRMAN. How many barges have you in tow usually?

Mr. KEENE. Ordinarily two; occasionally three.

Mr. BYRNES. How large are these barges—just approximately?

Mr. KEENE. The tonnage approximately is 1,500 tons, or 900,000 to 1,000,000 feet of dry lumber.

The CHAIRMAN. What route do you go—outside of Hatteras?

Mr. KEENE. Outside of Hatteras, for the reason that when we built our barges the inland waterways were not sufficiently developed to admit the type of barge we built, and the situation was so urgent that we could not wait. We had to get our barges immediately.

The CHAIRMAN. What southern ports do you enter now?

Mr. KEENE. Savannah, Brunswick, Belfast, Darien, and Ceylon. That would cover the bulk of them. For instance, our mills are located so that it is not always convenient to load an entire cargo at one point. In that instance, suppose we go to Savannah, we pay inward pilotage at Savannah, and we pay outward pilotage; and then we go to another mill to get the balance of the cargo, say Darien, for example. We pay inward and outward pilotage there on the same cargo of lumber, without deriving any benefit whatever.

Mr. BYRNES. At what places are your plants located along there?

Mr. KEENE. There are six mills in Georgia and one in South Carolina.

Mr. BYRNES. Where is the one in South Carolina?

Mr. KEENE. At Wiggins.

Mr. SMALL. Do you get value received for this amount of \$7,000 that you say you pay out annually?

Mr. KEENE. We don't consider that we do. We don't consider that we get any value. We are perfectly willing to take that responsibility of taking those barges in and out of there with the pilot on our tugboat without any pilot on the barges.

Mr. BYRNES. Does the consumer or do you bear the cost of the pilotage?

Mr. KEENE. It was said this morning that it is hard to say who pays it; but it is a charge that is unnecessary, in my opinion.

The CHAIRMAN. Do you take any cargoes south?

Mr. KEENE. Yes, sir.

The CHAIRMAN. What?

Mr. KEENE. We carry coal, crushed stone, and cement. That is about everything we have carried to date.

The CHAIRMAN. While this tax on lumber north is passed onto the consumer in the east, this additional tax on your cargo south is passed to the consumers down there, is it not?

Mr. KEENE. That would ordinarily follow.

Mr. BYRNES. You say it would not follow?

Mr. KEENE. I would say it would? And it is a burden on transportation; it makes the rate just that much higher, whoever pays it. We don't object to paying for services wherever they are rendered, but we don't consider they are rendered or required in this case.

Mr. SMALL. It adds to the cost of transportation?

Mr. KEENE. It adds to the cost of transportation, and adds to the cost of operation.

Mr. HARDY. What other material do you carry besides lumber and cement either way?

Mr. KEENE. We carry downward coal, crushed stone, and cement, and we have carried some fertilizer. I neglected to mention that before.

Mr. HARDY. Those are the main supplies you carry?

Mr. KEENE. Yes, sir; that would cover them.

The CHAIRMAN. What has been the effect of this compulsory pilotage charge on the coastwise schooner?

Mr. KEENE. Well, I don't know, except that I think it has something to do with their disappearance from the Atlantic coast, and they have disappeared very rapidly in the last 10 years.

Mr. HARDY. What has become of Mr. Pendleton, who had a number of schooners and sailing vessels?

Mr. KEENE. He is still in existence, although I haven't seen him lately.

Mr. HARDY. Did he carry any of your products before you built your own boats?

Mr. KEENE. Yes; we have chartered a great many vessels from him.

I thank you, gentlemen.

STATEMENT OF MR. RUSSELL BICKFORD, REPRESENTING H. M. BICKFORD & CO., OF NEW YORK AND BOSTON.

Mr. SMALL. Are you engaged in moving any products between south Atlantic and north Atlantic ports, Mr. Bickford?

Mr. BICKFORD. Yes, sir, our business is shippers of lumber from Charleston to the north Atlantic ports—New York, Long Island Sound, and Boston. That is our business, shippers of lumbers, and we are interested in the passage of this bill for two reasons. One is, we believe that this is going to decrease our freight costs, and we now have to pay these costs which we believe, as the other gentlemen said here, are unnecessary burdens. The second reason we have is that we have felt very keenly the shortage of schooners. Formerly, we transported practically all of our lumber from Charleston by schooner, and it is getting harder and harder to get them, so that we were greatly interested when barges began to take an interest in this business, and anything that can be done to encourage barge traffic will please us, because it means easier transportation for us. We are at the present time very much handicapped. We have lumber on hand at the mills, orders on hand in the North, and we can't get the tonnage to move the stuff.

Mr. BYRNES. How does the cost of transportation by barge compare with the cost of transportation by schooners that were formerly used?

Mr. BICKFORD. Just about the same. Of course, the cost of transportation fluctuates anyway, but ordinarily I think that the cost of transportation has been about the same. It is a new venture with them, and they have not been able to make their trips as inexpensively as we hope they will be in the future.

Mr. SMALL. When this inland waterway from Norfolk to Beaufort Inlet is completed to a depth of 12 feet, of course, a larger type of barge with a greater draft and greater capacity can engage in this navigation. Would not that have a tendency to decrease the cost of movement?

Mr. BICKFORD. I think so. It seems to me most assuredly it will have that effect.

Mr. SMALL. And then when the Government makes the waterway from the head of the Chesapeake Bay to the Delaware River and New York Bay, that would still have a further tendency to decrease the cost of movement?

Mr. BICKFORD. I think so.

Mr. BYRNES. Why; because you could use a cheaper barge on the inland waterway than you can on the ocean?

Mr. BICKFORD. Yes, sir.

Mr. HARDY. The inland waterway, I understand, is much safer than the other, too; there is less danger?

Mr. BICKFORD. Very much.

STATEMENT OF MR. H. M. NEWLIN, OF BALTIMORE, MD., TRAFFIC MANAGER OF THE MARYLAND STEEL CO.

Mr. NEWLIN. Mr. Chairman and gentlemen, the plant of the Maryland Steel Co. is located at Sparrow Point, Md., about 6 miles below Baltimore, on the Chesapeake Bay. It has the unique position of

being the only steel plant in this country located on tidewater. We have wharfage facilities there to care for the largest vessels that want to come, and they can come right into our wharves and unload or load cargoes. Now, the plant was put there for the purpose of taking advantage of water transportation, both for export and coast-wise.

Our business into the Southern States—or those States along the Atlantic Ocean south of Virginia—was handled some years ago by schooners almost exclusively, but it was a most unsatisfactory business and has gradually dwindled away. That was due to the fact that the insurance rate was very high, due to the high value of the cargoes and the great risk attached to schooner shipment. And we could not depend upon their arrivals, and sometimes we would have rolled 2,000 or 2,500 tons of steel, expecting a boat in and that boat would not arrive for a month, and we would have to carry that steel on hand, and the interest charges on it would run into us very high.

Then, with the gradual disappearance of schooners on the coast, we were almost let out of this business. So that we have watched with a great deal of care, the apparent development of the inland waterways, feeling that as they developed and barges could be sent into the south, we again would have an opportunity to engage in that business. Here recently we did secure a contract for some 12,000 tons of rails, part into Charleston and part into Savannah, and the rates looked pretty high; but when we got to figuring on them, we found that one of the unfortunate conditions was this compulsory pilotage, which apparently, from all that has been said here, is a useless bill to saddle against either the purchaser or the consumer, because it is a payment for no service rendered at all, and it is not necessary, as we understand it.

Mr. SMALL. Which class or classes of your products do you ship to Southern ports?

Mr. NEWLIN. Steel rails at the present time. That is the only steel that we make at Sparrow Point mill which could be put down into that country, but with the development of these waterways and the development of the proper means of transportation, there is no reason but what we could reach out and bring in products from our other mills, and make combination cargoes into the South through these canals.

Mr. HARDY. Will you tell me how much cheaper you could transport freight by barge or schooner, than you can by steam vessels?

Mr. NEWLIN. We have never found that we could make much difference, for the reason that the excess cost for insurance on schooners would almost make up the difference in the steamer freight, the steamer insurance being so low as against the schooner. We have had to pay on schooners as high as 2 per cent into Savannah. That means pretty nearly 50 cents on a ton of cargo, whereas a fair steamer rate would be 15 or 20 cents a hundred.

Mr. HARDY. How do you believe this proposition will affect the price?

Mr. NEWLIN. The barge proposition will work out, we believe, a good bit cheaper. It is pretty hard to gauge that to-day, because this is a new proposition, and there is no comparison, of course, which we can make with any schooner or steamer rates to-day along the coast.

Mr. BYRNES. What is the barge rate to-day?

Mr. NEWLIN. The barge rate on rails is about 62½ cents a hundred dollars.

Mr. BYRNES. What is the steamer rate, did you say?

Mr. NEWLIN. We have not had anything to put into Savannah in some time. We have not chartered any steamers into Savannah; that is something which we very seldom can do, but it ought to run about 18 or 20 cents a hundred, but those insurance figures will come down.

Mr. BYRNES. Why do you think so?

Mr. NEWLIN. Because it is a new proposition. This is the first time there have been any rails transported this way, and when the underwriters appreciate the safety of handling by barge they will have to come down in their rates.

Mr. BYRNES. Have not they been handling the traffic by barge for commodities other than steel rails for several years now?

Mr. NEWLIN. Yes, but those rates are lower. The rates on rails are higher because of the risk. The higher valuation of the cargo boosts your rate.

STATEMENT OF MR. JOSEPH J. HOCK, BALTIMORE, MD., REPRESENTING THE ARUNDEL SAND & GRAVEL CO.

Mr. SMALL. Mr. Hock, will you kindly state to the committee how you are interested in barge traffic?

Mr. HOCK. We ship quite a large amount of gravel and sand to the southern ports, especially Charleston, Wilmington, Savannah, and Jacksonville. We used to ship altogether by schooner and steamer; but it is almost impossible now to get a schooner or steamer, and our commodity is a very cheap commodity and won't stand much of a freight rate. In the past year we have gotten in touch with some of the transportation people—the Southern, the Pete Dougherty Co., and the Eastern—and they have run some of our material on barges, which are easier to handle. I mean that the barges are cheaper as compared with the schooners, they are easier to trim, and the freight rate has been less than on either schooners or steamers.

Mr. ROWE. Have you any idea how much it would reduce your rates if this bill passed?

Mr. HOCK. I imagine it would reduce our rates at least 6 or 7 cents a ton.

Mr. ROWE. What percentage of the cost?

Mr. HOCK. Of the cost of the material?

Mr. ROWE. No; of the cost of your present rates.

Mr. HOCK. About 10 per cent.

Mr. BYRNES. Where do you get that gravel from?

Mr. HOCK. We dig it out of the river right near Baltimore.

Mr. BYRNES. Right near where?

Mr. HOCK. Near Baltimore—Springs Gardens.

The CHAIRMAN. I was wondering why you send sand and gravel down South.

Mr. BYRNES. So was I. We have more sand and gravel in my county than in any other place I know of. I was wondering why you shipped in down there.

Mr. HOCK. We shipped 90 per cent of the material, the sand and gravel, that was used in the viaduct at Key West, by steamers and schooners.

Mr. SMALL. What is the prospect of increasing the traffic in sand and gravel from Baltimore to the Southern ports?

Mr. HOCK. There is a great prospect if we could get barges when we wanted them; that is, if there was a barge traffic we could depend on, we could take more orders. As to schooners, we can never depend on what time they would get there. Sometimes they would be a month in getting there, and barges are very rarely over a day or two late.

Mr. SMALL. What is the prospect of building up a general traffic between ports north of Hatteras and ports south of Hatteras?

Mr. HOCK. I think the prospects are very good, very good.

Mr. BYRNES. What pilotage charge do you pay now on your barges going into these ports south of Norfolk?

Mr. HOCK. We would not agree to anything like that. We made them absorb that in our freight rates. We made the transportation people absorb that.

Mr. BYRNES. Do you know what it amounts to?

Mr. HOCK. No, I do not. The transportation people tell us it amounts to between 6 and 7 cents a ton.

Mr. BYRNES. You simply pay the freight rates?

Mr. HOCK. We pay the freight rates, delivered there f. o. b. barges alongside.

STATEMENT OF THE HON. P. Q. MOORE, MAYOR OF THE CITY OF WILMINGTON, N. C.

Mr. SMALL. Mr. Moore, what is the attitude of the citizens of Wilmington, engaged in industrial and commercial activities, regarding the enforcement of compulsory pilotage on barges?

Mr. MOORE. Mr. Chairman and gentlemen, the business element of Wilmington are as one man when it comes to this proposition. They realize the fact that they are handicapped—that they can not compete with the ports where they have no compulsory pilotage, and they are utterly helpless to prevent what they have. This matter has been agitated in North Carolina for four or five years, to my knowledge.

Prior to fifteen or twenty years ago, there was no doubt in the world but what compulsory pilotage was absolutely necessary, and we all realized the fact. But to-day conditions have arisen when the Government has taken charge of the work on the Cape Fear route—we have 27 feet of water from the bar to Wilmington, at mean low water—and there is no excuse in the world for this condition. We can not compete, as I said before, with ports where they have no compulsory pilotage. They do not have to pay these extra charges and our people are having to bear the burden of the day. For instance, you heard Mr. Miller say a few minutes ago that his one concern, shipping into Wilmington phosphate rock, paid around \$3,000 a year.

That comes from our farmers, and you gentlemen realize the condition to-day of the Southern planter. He can not stand this extra

burden and it should not be placed upon him unless it is absolutely necessary. Why do we need this pilot when we have a Government pilot, licensed by these great United States, to take care of this situation? And, as these gentlemen have told you, there are times when they do not go aboard of these barges, and still they have to pay these pilotage bills. The Pilotage Association, or the Pilots Association, is very strong, politically and otherwise. They are a good body of men, but their political power with the legislature of North Carolina has been something that the business interests have not been able to overcome.

Mr. BYRNES. Would it disturb you if I asked you a question there on that?

Mr. MOORE. Not at all, sir.

Mr. BYRNES. You say that the business interests of Wilmington are practically as one man on this proposition, and also that the farmers are injured by it. Now, do you mean to say that the few pilots in North Carolina have greater influence with the legislature than the business interests of Wilmington and the farmers?

Mr. MOORE. Yes, in a way. They maintain their lobby in the legislature of North Carolina; that the business men do not have. And when you go up there and have the picture painted of the harrowing experiences of the pilots, of the bravery of the men that leave their wives and little ones at home and return no more—that is something that the legislature not only of North Carolina but of other States, possibly, will listen to.

Mr. BYRNES. But these people go back and have to stand for reelection. They are reelected, are they not?

Mr. MOORE. They are reelected; that is true.

Mr. BYRNES. And the same picture is painted to the next legislature?

Mr. MOORE. Practically the same thing time and time again.

Mr. HARDY. Have you gone up there and presented your side of it?

Mr. MOORE. I haven't been there personally.

Mr. BYRNES. Has anyone?

Mr. MOORE. Yes; the business interests have been there in the past time and time again.

Mr. BYRNES. How many pilots are there in the State of North Carolina?

Mr. MOORE. I can not answer that question, because I do not know.

Mr. BYRNES. Approximately?

Mr. MOORE. I do not know; I could not say.

Mr. HARDY. How long has it been since your chamber of commerce took action on this matter?

Mr. MOORE. A very few weeks.

Mr. HARDY. Did you ever do it before?

Mr. MOORE. Yes; as I understand it; and the business men have gone up to the legislature in a body, but, as I told you, they haven't been able to overcome this influence.

Mr. BYRNES. If you will permit me, I would like to ask you another question. You said that prior to 15 years ago this compulsory pilotage was necessary, but that it is not necessary now. Why was it necessary prior to 15 years ago?

Mr. MOORE. Because then we did not have an open channel.

Mr. BYRNES. Then it was necessary then?

Mr. MOORE. I think at that time it was necessary, but that it is not necessary now.

Mr. BYRNES. Then, if in the State of Georgia there is a channel that is in the same condition that your channel was 15 years ago, it is necessary to have compulsory pilotage at that port, is it not?

Mr. MOORE. It depends entirely, sir, upon the channel in Georgia.

Mr. BYRNES. That is what I say; it would depend upon the channel in Georgia. Suppose this bill is passed which affects them all, you do not think it would be wise, do you, inasmuch as a port in Georgia has a channel in that condition?

Mr. MOORE. I do think it wise; yes, sir, because we never had the barges before.

Mr. BYRNES. Never had what?

Mr. MOORE. Never had the barges. At that time we had the vessels.

Mr. BYRNES. But suppose this port in Georgia is now in the shape that yours was prior to 15 years ago when, you say, it was necessary, is it not necessary to-day in Georgia?

Mr. MOORE. If they are in that condition?

Mr. BYRNES. Yes; if they are in that condition.

Mr. MOORE. But whether they are in that condition or not, I don't know.

Mr. BYRNES. This bill affects all ports, and if there is any port that is in that fix this would be an unwise measure?

Mr. MOORE. Then they can get a pilot. They can get a pilot at any time. I am talking about the compulsory pilotage where they have to take a pilot whether they need that pilot or not.

Mr. BYRNES. Suppose a skipper says, "I want to take the risk"?

Mr. MOORE. What?

Mr. BYRNES. Suppose the man in charge of the ship comes up and says, "I will just take the risk," and by reason of his doing so he blocked the channel. Are not the people injured thereby?

Mr. MOORE. Do you think, sir, for one instant, that a man who is interested in that ship is going to take any risk with it—that is, an unnecessary risk?

Mr. BYRNES. Not when he thinks there is a risk, but suppose that he is mistaken. Suppose he was satisfied that he was right, but it turned out that he was mistaken?

Mr. MOORE. I don't think, sir, in answer to that, that there is any business in the world where at times we do not make mistakes.

Mr. BYRNES. Your contention is that while it ought to have been compulsory at your port prior to 15 years ago, to-day there is no reason for it being compulsory at any port?

Mr. MOORE. I say, if at that time we had compulsory pilotage, I do not think anybody would have objected to it at that time.

Mr. BYRNES. Why?

Mr. MOORE. Because of the fact that there were dangers existing there in those years that are not existing to-day.

Mr. BYRNES. That is what I am asking you. Assuming now that there is in Georgia or Florida or South Carolina a port in the condition that yours was prior to 15 years ago, then you believe, as you say, that there ought to be compulsory pilotage at that port now?

Mr. MOORE. No, sir; I don't believe in compulsory pilotage, because of the fact that we don't have the conditions now that we had at

that time. And because there are one or two harbors, one or two ports, in South Carolina or Georgia in that condition, is that any reason why all the States bordering on the Atlantic should not have protection?

Mr. BYRNES. Not at all; but you can not apply it in your State or any other State and not apply it in some other place where the conditions are bad. How about that?

Mr. MOORE. I think this, sir: That we do not need compulsory pilotage at any place along the Atlantic coast or any other coast of this great country of ours.

Mr. BYRNES. Regardless of the condition of the port?

Mr. MOORE. Regardless of the condition of the port.

Mr. BYRNES. Even though it was in the condition yours was 15 years ago?

Mr. MOORE. Yes, sir.

Mr. BYRNES. And yet it was right and proper at yours 15 years ago?

Mr. MOORE. Right at that time, because at that time we did not have the conditions to contend with that we do to-day.

Mr. SMALL. If there should be any port in South Carolina or Georgia or Florida which is not guarded by day beacons and lighted beacons, where the engineers did not discharge their duty by frequent soundings and making reports to the harbor commissioners and other authorities of depth and location of channels, or if the Coast and Geodetic Survey should fail in their duty and not properly mark out the channels, or the Lighthouse Service fail in their duty—if there should be such a port as that in those States, that would not prevent the master of a vessel from calling for a pilot if he needed one?

Mr. MOORE. No way in the world, sir.

Mr. SMALL. And in any event, the tug with the Government-licensed pilot on board is not compelled under the law of any State now to take a pilot, and the barges have only to follow the tug?

Mr. MOORE. Only to follow the tug, sir. In other words, you are following a pilot licensed by the United States Government.

STATEMENT OF MR. W. L. RICE, OF PHILADELPHIA, MEMBER OF THE FIRM OF T. B. RICE & SONS CO., AND PRESIDENT NORTH CAROLINA PINE BOX SHIPPING MANUFACTURING ASSOCIATION.

Mr. SMALL. Mr. Rice, are you interested in the movement of lumber from the southern ports, and will you kindly state your views?

Mr. RICE. Mr. Chairman and gentlemen, I represent rather a different phase of the subject than has been presented here to-day. Being president of a company which cuts lumber and produces boxes for the packing of food products in the North, we naturally are interested in any matter of transportation for this lumber. Transportation along the seaboard is naturally the one that interests me most, because our city is located on the seaboard; and being president of an association which has an annual cutting of boxes and shucks amounting to 800,000,000 feet of lumber a year, which is an enormous output, I know that all of these members are interested in the proper economic price of transportation.

Viewing the situation from the standpoint of the abolishment of this unnecessary tax upon transportation along certain sections of the coast States means to economize. The economies can not be plucked all at once, but they must be taken out and the economies established little by little to create a proper competitive market for anything.

If we have pilotage charges that are unnecessary, if we have toll charges through canals which are unnecessary, if we have dockage charges at ports which are unnecessary, the aggregate makes an enormous expense, which eventually some one pays. It is a disputed question who pays it, but some one pays it, and we have seen efficiencies demonstrated in the past year which indicate that this country has got to demonstrate economies. Not only economies in one direction, but economies in another, and the wheels of progress have got to turn. They will turn over some of us, but they have got to turn just the same.

In our business and in the association which I represent we must have free access to the lumber of the country without having the consumers of the country burdened with an unnecessary charge.

I believe that is all I have to say, Mr. Chairman.

MR. SMALL. Just this question, Mr. Rice: You referred to the quantity of lumber in which your companies were interested in their movement. What proportion of that must move between southern ports and northern ports?

MR. RICE. The association I represent is composed of men who cut short-leaf pine, all of which is manufactured in those States south of the Mason and Dixon line.

MR. BYRNES. From what States is it transported? Where do you get this lumber?

MR. RICE. From all the States along the seaboard.

MR. BYRNES. And it is taken into one of these ports at which there are charges?

MR. RICE. From Delaware, Virginia, North and South Carolina, and Georgia, it goes north by barge or schooner to the various mills and enterprises up to New York.

MR. BYRNES. Do they have to pay pilotage charges when they are taking it out of these ports?

MR. RICE. I know nothing of the question of pilotage. I am simply discussing this problem from the question of economics. I am the consumer of this lumber. In fact, I am the only consumer who has appeared before you.

**STATEMENT OF MR. MAURICE BURTON, OF PHILADELPHIA, PA.,
AND CHARLESTON, S. C., REPRESENTING THE E. P. BURTON
LUMBER CO.**

MR. SMALL. Mr. Burton, will you kindly state your views on this subject?

MR. BURTON. Most of the talk that I had to make has already been said far better than I can say it. There are only one or two points that, perhaps, have not been brought out.

One is the question of Canadian lumber. I am a lumber shipper, and I am interested in my competitor. There is a dividing line at present between Canadian lumber and short-leaf lumber, which is,

as near as I can ascertain, to-day about New York City. In Philadelphia, where I sell lumber, representing the Burton Lumber Co., we have very little Canadian lumber coming in. Whenever you lower a freight rate from the producing point to a point where the lumber is consumed, we can go a little farther with our lumber against our competitors. Ten cents a thousand it may only amount to, but that means we can drive the Canadian lumber back 10 miles farther, and it is that much gain, and we have that much more outlet, that much more room to dispose of our product, that much more of the country we can serve with our product.

All the general lines of argument have been taken up so well that I do not want to waste the time of this committee by a repetition, but there was one phase of it that occurred to me as not having been sufficiently brought out, perhaps. Some of the committee wanted to know, I could see, why limit this bill to barges. I am arguing against my own interests, but I would like to see it apply both to barges and schooners. However, I am not interested in either one of them. I am only a shipper of lumber. There is this to be said, however, in favor of limiting it. The argument may or may not be sound. The steamboat inspection was put on steamers, and I do not know whether it was in exchange for that or whether it just somehow came that way, but they said to the steamers, "You will not be under the expense of a pilot if you carry a licensed pilot." I understand that the steamboat-inspection law applies to barges, but I believe it does not apply to sailing vessels. When they put that law on barges, if I am informed correctly, put certain restrictions and certain limitations on barges, certain things they have to do, they did not get in return the elimination of the pilotage. They did not get what the steamers got.

The second reason is that schooners occasionally, although very rarely, use pilots. Sometimes there is no tug with them, usually there is, to tow them in. Now, the man who once in a while has a fire, you might assess him in a mutual company; but the man who says he can't have a fire, why, charge him for insurance.

The third reason is that the schooners at present are mostly trading offshore. They have been taken out into the foreign commerce because of the shortage of other tonnage and at present it would not make a vital difference if it were not eliminated on the schooners. Personally, I would like to see it eliminated on all, but I am only talking now, as the Hon. Mr. Small said, along the line of least resistance.

I also thought this, if this bill were passed with regard to the barges only, that the pilots would see, as they saw in Norfolk, that it was the wish of the business men and the wish of the country, and that they would do in these Southern States what has been done in all those States north of Norfolk, that is, voluntarily relinquish compulsory pilotage; because the pilots are governed, as everything else is, by the law of supply and demand, and there will always be enough pilots for the port commerce. There are always enough tugboats, or nearly enough, for the commerce of the ports, because if there is not enough, another one is soon built and put there. The compulsory pilotage, to my mind, merely says, "You may tax the people or certain classes of the people, to keep more pilots than you need," because

you are not obeying the law of supply and demand. Noncompulsory pilotage would keep the number of men busy that there is need for, because there is always a fair rate of wages for the man who is willing to work.

Mr. SMALL. Where is the manufacturing plant of the Burton Lumber Co. located?

Mr. BURTON. At Charleston, S. C.

Mr. SMALL. And all the product of that mill is moved north?

Mr. BURTON. Practically all.

Mr. SMALL. Practically all of it?

Mr. BURTON. Yes, sir.

Mr. BYRNES. May I ask what amount of pilotage charges you pay in a year, if you know?

Mr. BURTON. About \$3,000 a year at the present time.

Mr. BYRNES. About \$3,000?

Mr. BURTON. Yes. We manufacture about 30,000,000 feet of lumber.

Mr. BYRNES. Where do you ship it to generally?

Mr. BURTON. Mostly to Philadelphia and New York, and a little to Boston.

**STATEMENT OF MR. T. M. SIZER, OF NEW YORK, N. Y.,
REPRESENTING THE FIRM OF ROBERT B. SIZER & CO.**

Mr. SMALL. What business is your firm engaged in, Mr. Sizer?

Mr. SIZER. Lumber merchants.

Mr. SMALL. Will you kindly tell the committee your attitude regarding this bill?

Mr. SIZER. Well, we are very much interested in the bill, and I approve of all that has been said. We are not interested in transportation financially, but we know that our customers are burdened with the expense of it. Some one has to pay it or else the mills that we are interested in financially, as well as those of which we handle the output. We charter, I presume—well, it is pretty accurate—between sixty and seventy-five thousand tons.

Mr. SMALL. Annually?

Mr. SIZER. Annually, and I figure that will amount in pilotage to between eight and ten thousand dollars. We can see no advantage in the world of compelling these barges to pay this pilotage. We know very well that it makes the lumber cost more if the transportation rate is higher. We know very well that if you want to build your home the lumber is going to cost you more. These barges could go down South with a down cargo and distribute it. If they get down there and there is no pilotage, it would be the most natural thing in the world for them to come back with a cargo of our lumber, and therefore they would make more money and it would cost us less money.

That is about all I have to say. The other gentlemen have said everything else, I believe.

Mr. SMALL. What varieties of lumber do you handle and where is it produced?

Mr. SIZER. Entirely southern lumber, beginning at Virginia and going down to the Gulf States. We ship a great deal from Charles-

ton, Savannah, Norfolk, Fernandino, Wilmington, Jacksonville, and Brunswick.

Mr. ROWE. Do you get any from the Pacific coast?

Mr. SIZER. None whatever, so far.

Mr. BYRNES. The pilotage charges that you refer to, about what per cent of that is on barges?

Mr. SIZER. No; that is not all on barges—vessels and steamers.

Mr. BYRNES. About what per cent is on barges, if you know?

Mr. SIZER. I would not attempt to give that, because the barge business is in its infancy. The Southern people and the Pete Dougherty Co. and two or three others in Philadelphia are going to build barges. It has got to come to barges because there are so many vessels lost every year in the storms which are not being rebuilt.

Mr. HARDY. I understand you have no pilotage charges in Texas ports?

Mr. SIZER. I am not posted on the pilotage charges down there. We pay the freight. We have an agreement now—one agreement, especially—where we charter for 30,000,000 feet, which is the output of one mill, and we have an agreement with the owner of these barges that we have to pay the pilotage. If this was eliminated, we would get the benefit and we could give our customers the benefit, or some one will get the benefit.

Mr. HARDY. Is that a Texas contract you speak of?

Mr. SIZER. No, that is a South Carolina contract. We ship out of Texas by steamer practically and as much as we can by vessels; but vessels are very hard to get, as they are going off-shore. The tonnage situation is very serious. Our business is becoming injured. In the past ninety days, I believe our business has been cut off at least 33½ per cent, because we can not get tonnage. It has gone off-shore, gone to Cuba, South America, and Africa.

Mr. ROWE. Does your firm handle any Canadian lumber?

Mr. SIZER. None at all.

Mr. ROWE. In New York?

Mr. SIZER. We handle only southern lumber. I do not know just what ports the Canadian lumber comes from, but I know they do not have to pay any pilotage.

Mr. SMALL. Judge Hardy spoke of Texas. You know the situation a good deal better than I do, Judge.

Mr. HARDY. No, I am not so well posted as I ought to be.

Mr. SMALL. This is the situation as I understand it: There is a law in Texas which has been in existence for some time regarding compulsory pilotage on coast-wise shipping, but for some years—exactly how many, I do not know—it has not been enforced. No compulsory pilotage on coast-wise shipping is enforced in any port in Texas, but the law itself, as I understand it, has not been actually repealed. That, as I understand, is the situation.

Mr. HARDY. I was misty about it myself; I did not know what the situation was.

Mr. GOODWIN. Mr. Small, being from North Carolina, you are familiar of course with the cotton situation. A good deal has been said here about the burden imposed upon coal and lumber and the like, but the cotton feature has not been touched upon. To what extent would cotton be burdened by virtue of this pilotage charge,

and how would that affect the cotton of the South, and the cotton grower of the South, who receives so much for his cotton less the cost of transportation to the point of destination? I wish you would go into that.

Mr. SMALL. I would be very glad to try to answer that. As has been stated, this barge traffic is in its infancy. I have information from various sections of the South, cotton-producing sections (information which seems to be entirely credible), that they propose to patronize and use these barges in the transportation of cotton from the South to northern ports.

Mr. GOODWIN. To the spinners on the Atlantic coast and in the East?

Mr. SMALL. The ports I have heard primarily discussed are Philadelphia, which is a large consumer of our southern cotton; Providence, R. I., and New York, to be distributed to nearby points where our cotton is consumed.

Mr. GREENE. Did you leave out Fall River, the largest cotton manufacturing point in the country?

Mr. SMALL. And Fall River, Mass., the home of Mr. Greene, which I think is the largest single cotton manufacturing town in the United States. Is that correct?

Mr. GREENE. That is correct.

Mr. SMALL. So that this barge traffic in cotton, when it is once established, and I believe it will be because it is entirely practicable, will give them a cheaper rate of movement. These pilotage charges will, of course, be added to the cost of the movement—to the freight rate—and to that extent will be a burden upon the producer. The producer of cotton will feel it. It will be taken into account by the purchaser of cotton and the broken and into account by the man who sell it, if he should not be a broker representing some mill. So that you can follow it all along. The first sufferer is the producer of the cotton himself.

Mr. GOODWIN. Would not the cotton grower also be affected by virtue of these pilotage charges being imposed upon fertilizer which passes through the southern ports?

Mr. SMALL. Most certainly.

Mr. GOODWIN. And which goes to the handling and production of cotton?

Mr. SMALL. Most certainly. Mr. Miller, of the Virginia-Carolina Chemical Co., who has testified in this hearing and who is a large manufacturer of fertilizer, spoke of the movement of phosphate rock and of other fertilizer material and of the finished fertilizers themselves, which furnish a large movement to all of these southern ports, and, of course, destined for use upon the farm.

Mr. BYRNES. You are satisfied the New York Cotton Exchange take the barge charges into account in fixing the price of cotton?

Mr. SMALL. Well, there was so much discussion about the New York Cotton Exchange between the men who actually believe they control the price of cotton and the other men who thought it was an essential activity for the maintenance of the price of cotton, I do not know exactly where the truth lies. I am not speaking of the speculator; I am speaking of the farmer who makes the cotton; and I am speaking of the mill which produces the cotton and of the consumer

who wears the goods. They most assuredly would be affected. Does that answer your question?

Mr. GOODWIN. That is satisfactory.

Mr. SMALL. I will now ask Mr. Moore to make a statement. Mr. Moore is also president of the Atlantic Deeper Waterways Association.

**STATEMENT OF HON. J. HAMPTON MOORE, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF PENNSYLVANIA.**

Mr. MOORE. Mr. Chairman and gentlemen, not only as a member of Congress do I appear, but as president of the Atlantic Deeper Waterways Association, which has been agitating the opening up of the coastal waterways along the Atlantic seaboard to the Gulf, to connect with the waterways running along the Gulf to the Mississippi and beyond.

The Government has already approved the general coastal waterways scheme; that is, the opening up of these inside passageways to avoid the dangers of the sea, and they are being utilized, as you have doubtless been informed by witnesses who have appeared here this morning. The value of these inside passages was demonstrated very quickly last year in the inauguration of this new barge line, of which I presume you have heard.

The matter came before the Atlantic Deeper Waterways Convention at Savannah last November, and there, in the presence of approximately 1,000 representatives of the coastal States, with Secretary Redfield present, with approving letters from Secretary Garrison, and one very earnest letter from Secretary Daniels, resolutions were adopted approving not only the general scheme but urging, for commercial as well as defensive purposes, the opening up of these passageways. And in connection with the sudden imposition of pilotage charges upon commerce generated by these passageways opened up with the Government's money, the convention passed this resolution:

[This resolution will appear in the next day's hearing.]

In support of that resolution, I think it is fair to say, as president of the association and as expressive of the opinion of that very large convention which deliberated and carefully discussed this question, we were very much surprised after having observed the Government approve a great project, open it up for free transportation, make an expenditure of money for the actual digging of certain links of this great coastal chain, that then, when it was supposed to be free and clear for the benefit of commerce, there should suddenly be levied those tolls which, coming in the form they did, placed us very far behind in what we might call competitive transportation rates.

The CHAIRMAN. Were those tolls levied on barges prior to that time?

Mr. MOORE. They had not been levied on barges, as I recall it, prior to the opening up of the Beaufort Cut—that is to say, that cut from the North Carolina waterways which permitted free passage from the sounds of North Carolina into the Atlantic Ocean below Cape Hatteras.

The CHAIRMAN. How far back does that date?

Mr. SMALL. If Mr. Moore will pardon me, I may say that there was substantially—and I think this is literally true—no barge traffic in and out of Beaufort Inlet until this inside route from the Chesapeake Bay to Beaufort Inlet was opened up.

Mr. MOORE. So far as the passageways were deep enough to permit, the old traffic consisted very largely of steam vessels, sloops, and pleasure boats, and tongees of one kind and another that simply felt their way through. But after the opening of the cut at Government expense, this barge traffic was encouraged to do business and began to do business, proving the worth of the Government's expenditure, to find only that it was being checked on its way through the passage by the imposition of these tolls.

Mr. BYRNES. Mr. Moore, some of these gentlemen—I think, Mr. Durant and others—have testified that the barge traffic has been charged this pilotage fee in other States besides North Carolina in the past.

Mr. MOORE. I think we learned at Savannah that charges were made at certain ports in other States after the traffic opened up. But here was the proposition, so far as the waterways people saw it at the time: They had been urging the opening up of the waterways for the free use of the people and for the encouragement of commerce and trade, only to find, after the Government had made the expenditure, that apparently the Government had no control over its own passageways, and that the States could levy tolls on those who were conducting business there. And that, of course, to us down there holding our convention in Savannah, was in the nature of a surprise, and it seemed to be a check upon the entire Government movement toward free transportation.

The matter of cotton was referred to a moment ago, and I wish to say to my colleague, Mr. Goodwin of Arkansas, that I have visited Savannah and other southern waterways frequently, and in recent years have noted that where the improvements of these inside passages have gone on, and where a sufficient depth of water has been given, it has encouraged small trade in the barge traffic—because this is just a beginning; this is in the embryo stage; that the people were beginning to use those waterways to get their cotton to the market, and that their tributaries, streams like the Savannah River, about which I can personally speak, they were actually coming down with the cotton that otherwise would not have come down, and they were getting to port with a commodity that otherwise had no sale or no market, simply because of the lack of transportation facilities. So that the opening up of those passages gave a chance to the farmer to get out with his product, and the continuing opening up of them has, in this instance, encouraged the use of the barge traffic by which he can get the product to market more cheaply than he can in any other way.

If it is agreeable to the committee, I would like to insert here three letters which are in the nature of resolutions, one from the Philadelphia Wholesale Lumber Dealers' Association, highly approving this so-called Small bill; one from the Lumbermen's Exchange of the city of Philadelphia; and the third from the Pennsylvania Lumberman's Association.

In addition to those three letters embodying resolutions by those large and influential organizations, I have received dozens of com-

munications from shippers along the line who are directly affected by this measure. I ask the privilege of inserting these in the record, if the chairman has no objection.

The CHAIRMAN. There is no objection. And I will say that I have received I do not know how many letters—a hundred or two—from various business organizations affected by this law, and I am having the clerk make an abstract of them and will have them inserted in the record later on.

(The letters referred to by Mr. Moore are as follows:)

PHILADELPHIA WHOLESALE LUMBER DEALERS' ASSOCIATION,
Philadelphia, January 20, 1916.

HON. J. HAMPTON MOORE.

DEAR SIR: We understand that Hon. John H. Small from North Carolina, has introduced a bill in the House of Representatives regulating compulsory pilotage on barges while in tow of steam vessels navigated by Government pilots.

This association is vitally interested in the passage of this bill.

At our annual meeting recently held, a resolution was unanimously adopted directing the secretary to communicate with the Members of Congress from Pennsylvania urging their united effort to further the passage of this bill.

The expansion of traffic by barge on broad and comprehensive lines will act as an important factor in the reduction of the cost of many commodities to the consumer, thereby lowering the cost of living.

It is of particular importance to this community that the traffic by barges using the Norfolk to Beaufort Inland Waterway, thus avoiding the dangers of Cape Hatteras, be developed without hindrance, and that the barges be relieved from compulsory State pilotage charges which are an unnecessary and a useless and burdensome tax for services not needed and actually never rendered to the barges.

State pilotage charges on barges undoubtedly constitute a serious handicap in retarding the growth of this very important traffic, the result of which is that this great manufacturing metropolis is denied the benefits of inland waterways through the advantageous use of the large fleets of barges hailing from Philadelphia by a system of waterways which her citizens have done so much to create. Philadelphia, therefore, is vitally concerned in the development of a barge traffic with the South Atlantic ports, and we earnestly urge upon you the importance of supporting Mr. Small's bill and confidently rely upon your personal influence in its passage.

Respectfully, yours,

PHILADELPHIA WHOLESALE LUMBER DEALERS' ASSOCIATION,
THOS. B. HAMMER,
Secretary.

THE LUMBERMEN'S EXCHANGE,
Philadelphia, January 29, 1916.

HON. J. HAMPTON MOORE,
Washington, D. C.

DEAR SIR: At a meeting of the railroad and transportation committee of the Lumbermen's Exchange of Philadelphia held this day to take up the matter of compulsory pilotage on barges, referred to them by the president and directors of the exchange, the following resolution was unanimously adopted:

"*Resolved*, That we hereby indorse, approve, and recommend the passage of bill H. R. 9678 now before Congress to exempt from compulsory pilotage the barges while in tow of steam vessels navigated by Government pilots.

"*Further resolved*, That a letter embodying the above resolution be sent to the Senators and Representatives in Congress from the State of Pennsylvania and to the Hon. J. W. Alexander, chairman of the Committee on Merchant Marine and Fisheries."

Since we feel that the passage of this bill will improve the movement of lumber and other heavy commodities from South Atlantic ports to the Northern States, we ask that you give the Hon. John H. Small your hearty support.

Yours, very truly,

J. RANDALL WILLIAMS, JR.,
Chairman Railroad and Transportation Committee.

PENNSYLVANIA LUMBERMEN'S ASSOCIATION (INC.)

Philadelphia, January 29, 1916.

HON. J. HAMPTON MOORE,

House of Congress, Washington, D. C.

DEAR SIR: Below is a copy of a resolution adopted at the meeting of the Pennsylvania Lumbermen's Association held in Philadelphia, January 27, 1916.

Our association is a State organization of the retail dealers of lumber throughout the State of Pennsylvania, and we feel that the question of compulsory pilotage is one of vital importance to all concerned in our business, inasmuch as it is unnecessary and only adds to the cost of lumber.

We respectfully trust that you can give your support to the passage of the bill in question.

RESOLUTIONS ADOPTED AT MEETING OF THE PENNSYLVANIA LUMBERMEN'S ASSOCIATION, HELD IN PHILADELPHIA, PA., JANUARY 27, 1916.

Resolved, By this association that we hereby indorse, approve, and recommend the passage of bill H. R. 9678 "to exempt from compulsory pilotage the barges while in tow of steam vessels navigated by Government pilots," recently introduced in the House of Representatives by Hon. John H. Small, of North Carolina.

Resolved further, That the secretary of this association send copies of these resolutions to the Senators and Representatives in Congress from this State and to the Hon. J. W. Alexander, chairman of the Committee on Merchant Marine and Fisheries.

Certified from the minutes.

J. F. MARTIN, *Secretary*.

MR. SMALL. Mr. Chairman, may I interject a word here? My colleague, Mr. Moore, inadvertently did not state the situation exactly as to compulsory pilotage on barges at these southern ports, due undoubtedly to the fact that at the port of Philadelphia and all these ports along the Atlantic seaboard north of and including Philadelphia there is not and has not been for some years any compulsory pilotage on any class of coastwise shipping. As to Beaufort, S. C., there has been no barge traffic there until it was instituted in the early part of 1915. When it became apparent that this barge traffic, when the attempt was about to be made to establish it, it appears that the pilots went to the Legislature of North Carolina in session early in 1915 and had an act passed expressly including within the terms of compulsory pilotage barges in tow of tugboats.

MR. MOORE. That is what I wanted Mr. Small to say. I knew of that incident.

MR. SMALL. There was really no necessity in law for their doing so, because the pilotage law then in force in North Carolina used the term "vessels" to which compulsory pilotage was applicable. And in a case which went to the United States Circuit Court some years ago and in an opinion by Judge Simon he held that the term "vessel" as used in the State law relative to compulsory pilotage included barges. But perhaps they did not know of that, so that they went out and got an act passed expressly including barges in tow of tugs.

As to the ports in the other Southern States, South Carolina, Georgia, and Florida, they have had compulsory pilotage on vessels in the coastwise trade for some years—many years. And, as I say, the term "vessel" has been construed to include barges. That is the situation.

**STATEMENT OF MR. R. S. SALAS, OF SAVANNAH, GA., PRESIDENT
OF THE STANDARD FUEL SUPPLY CO.**

Mr. SMALL. Will you kindly state your business and what you know about the barge traffic in relation to this legislation?

Mr. SALAS. We handle a great many thousand tons of gravel from the Chesapeake Bay and coal from Philadelphia and Norfolk and Newport News for Charleston, Savannah, and Jacksonville. Formerly we handled that by steamers and schooners, but in the last year we have handled it practically entirely by barge. The barge traffic has been proven to us, in our line, to be cheaper transportation than any other class of floating property. You can load a barge in half the time you can a schooner, and it costs much less to trim. You can discharge a barge in half the time at about half the expense.

In our opinion, compulsory pilotages on barges is absolutely unnecessary and of no value whatever.

Mr. SMALL. How long have you been engaged in that business?

Mr. SALAS. Thirty years, sir.

Mr. SMALL. What is the attitude, if you know, of the citizens of Savannah regarding compulsory pilotage on barges engaged in industry and commerce?

Mr. SALAS. Our board of trade unanimously favors this bill, and passed a resolution accordingly.

The CHAIRMAN. Have you that resolution?

Mr. SMALL. I have it here, and will introduce it a little later and ask that it be put into record.

Mr. HARDY. Mr. Salas, do you know what arguments the pilots make to sustain this charge on the barges?

Mr. SALAS. Well, the old law read that all vessels had to take a pilot.

Mr. HARDY. I know, but what argument do they make to sustain its usefulness now?

Mr. SALAS. I have never heard them express it, sir.

Mr. HARDY. We will very likely hear the other side on the question, but I thought maybe you might know.

Mr. BYRNES. That is what I would like to know.

Mr. HARDY. I have never heard the other side on the question, and wanted one of you gentlemen to tell us what their argument was.

Mr. SALAS. It is the law, and I know they enforce it; I know they enforce it strictly. We have brought in barges sometimes without ever seeing a pilot, but they have walked up very quickly and said, "We want the bill paid anyhow."

Mr. HARDY. Have you ever heard any of their representatives explain the grounds on which they contend it ought to be the law?

Mr. SALAS. They claimed it was the law and the barges should pay just like the schooners.

Mr. HARDY. Is there any reason why a schooner should pay it any more than that the steamer should pay it?

Mr. SALAS. I think the steamship owners have more power and pull than the schooner owners.

Mr. HARDY. There are more of them—a good many?

Mr. SALAS. More of them, and more powerful.

Mr. GOODWIN. But should there be this burden or handicap with this additional, as you consider, unnecessary charge upon commerce?

Mr. SALAS. There might be some excuse for the schooner requiring a pilot at those south Atlantic ports; but there is never any reason for a barge requiring a pilot.

Mr. GOODWIN. Has the schooner a Government pilot on it?

Mr. SALAS. No, sir.

Mr. GOODWIN. Is it necessary for the schooner to have a pilot?

Mr. SALAS. No, not in one case out of a hundred.

Mr. GOODWIN. Explain why, please. Some of us do not know that possibly.

Mr. SALAS. Frequently we have regular schooners at our ports putting in there year in and year out. Some of those schooners have made as many as fifty or a hundred trips and their captains become very familiar with the channels; and they frequently can sail in. As for Charleston, any man who has ever been a captain on a vessel can sail in there the first time with his chart. In the Savannah River, it is not so easy to sail up in there and the St. Johns.

Mr. BYRNES. How about Beaufort?

Mr. SALAS. Very easy; almost as easy as Charleston.

Mr. BYRNES. And up to the city of Beaufort all right?

Mr. SALAS. It is right close by there; only a mile. There are none of those harbors that are hard to navigate. When we started in the business it was difficult to load a vessel to 16 feet in Savannah, but now we can load them to 30 feet.

STATEMENT OF CAPT. J. A. BROWN, OF SAVANNAH, GA.

Mr. SMALL. What is your home address?

Capt. BROWN. Savannah, Ga.

Mr. SMALL. Captain, have you had any experience as a master of a tug or steamer engaged in towing barges?

Capt. BROWN. Yes, sir; I have had considerable.

Mr. SMALL. State what it is.

Capt. BROWN. I have been 28 years master of a tug towing on the south Atlantic coast.

Mr. SMALL. On the south Atlantic coast?

Capt. BROWN. Yes. Towing to all the ports on the south Atlantic coast from Wilmington to Jacksonville.

Mr. SMALL. From Wilmington, N. C.?

Capt. BROWN. Yes, to Jacksonville, Fla. And for the last year back we have had lots of towing barges, towing for the Southern Transportation Co. and several other companies of the North.

Mr. SMALL. Have you a Government pilot's license?

Capt. BROWN. Yes, sir; I have.

Mr. SMALL. Does that authorize you to navigate any of those Southern ports?

Capt. BROWN. Yes, sir.

Mr. SMALL. Do you know the conditions as to navigation prevailing at those Southern ports from Wilmington to Jacksonville, inclusive?

Capt. BROWN. Yes, sir, I know all the bars and the condition of the water that is on the bar. I am thoroughly posted about all the

bars, and not only posted about the inlets, but I am familiar with all of the coast from Wilmington to Jacksonville, Fla., sir.

Mr. SMALL. Of course, as the master of a tug and having a Government license as a pilot, your tug is not compelled to take a State pilot at any port?

Capt. BROWN. No, sir.

Mr. SMALL. Will you state whether there is any necessity for a barge in tow of a tug taking a pilot at any of those southern ports?

Capt. BROWN. I do not see that a pilot is a particle of use aboard the barge, sir.

Mr. SMALL. Why?

Capt. BROWN. He can not render any service. The captain of the barge has a couple of men along with himself, and anybody can follow the tug who knows how to steer a vessel. Any ordinary seaman can certainly follow a tug; and the captains of the tugs are certainly men who know the channels; and they have to know, on account of having a license, because we have to stand a pretty rigid examination to get a license. You have to serve for quite a time before you can get your certificate, a number of years, and very often we go in and out of these ports and do not see a pilot. For instance, no later than last Friday I was in and out of Charleston, and I have not seen a pilot yet. I was in with two barges. I went in in the morning and came out in the afternoon, and I have not seen a pilot. There was not a pilot on the station.

Mr. BYRNES. Did you have to pay, then?

Capt. BROWN. I suppose the bill went in to the owners of the barges. I know the Southern Transportation Co. at Chisholms Island; they mail the card from Beaufort and never even see the barge. The whole year I towed from Chisholms Island to Wilmington we had a pilot once only.

Mr. BYRNES. You had a pilot only once?

Capt. BROWN. We had a pilot only once.

Mr. BYRNES. And how often did you have to pay?

Capt. BROWN. They paid every trip.

Mr. BYRNES. You know that?

Capt. BROWN. Yes, sir; I know that from the captains of the barges.

Mr. GOODWIN. Upon what conception do you pay it when you do not get the service?

Capt. BROWN. They claim the State law permits them. I have known a case where the captain of a schooner was arrested in Beaufort because he objected to paying—Capt. Rayner.

Mr. GOODWIN. And the State law enforced payment where he did not get the service?

Capt. BROWN. They had this captain arrested, Capt. Rayner, of the schooner *Ruth B. Cobb*, who sailed into Port Royal Sound.

Mr. GOODWIN. If you should contest that in the courts, would not your defense be that you did not receive the service?

Capt. BROWN. They had this captain before some court in Beaufort—I do not know what the court was; it may have been, I suppose, a magistrate's court or something—and they decided that he must pay. Of course, they are all one people there, you know—it is a small place and everybody knows one another—and they did not want to see that money leave town, you know. [Laughter.] And the

captain of the schooner had to pay it. Why, they put him in jail. That is the fact, they put him in jail, and they told him at the trial that he should have flown his flag for 24 hours. The captain said that he had laid off the bar for eight hours and he did not see any pilot and he did not know when he was going to get one. He said he would have liked very much to have had a pilot because it was his first trip into the port. He had been going to Jacksonville and Savannah, and he said he would have been glad to have had a pilot because he did not want to take the risk himself, but he said he had laid off the bar for eight hours and he took the risk.

Mr. BYRNES. Who was that?

Capt. BROWN. Capt. H. P. Rayner. He wrote them up in the New York Herald in great style when he got back.

Mr. BYRNES. What did the city do to him?

Capt. BROWN. They put him in jail until he paid the pilot, and he wrote them up in the New York Herald when he got back, and described them down there as being pirates.

Mr. BYRNES. Is the channel at Beaufort difficult to get into?

Capt. BROWN. No, sir, there is plenty of water. The Government, you know, had a navy yard there. There is 28 or 30 feet of water at Beaufort, sir.

Mr. BYRNES. There is what?

Capt. BROWN. There is 28 or 30 feet of water at Beaufort.

Mr. BYRNES. I am glad to hear you say it. The last time I heard about that, some one claimed there was not more than 18 or 20 feet.

Capt. BROWN. I beg to differ with them.

Mr. BYRNES. Some one was saying there was not more than 18 or 20 feet.

Capt. BROWN. I took a five-masted schooner there not later than five months ago, which was drawing 26½ feet, and I went in there on half flood.

Mr. BYRNES. I thought it had a very good channel; that is the reason I asked.

Mr. SMALL. At Beaufort, N. C., have you, as master of a tug, taken barges out and in of Beaufort, N. C.?

Capt. BROWN. I have never been in and out of Beaufort, N. C. The farthest north is Wilmington.

Mr. BYRNES. What is the pilotage fee down there, do you know?

Capt. BROWN. Sir.

Mr. BYRNES. What is the pilotage fee at the place you referred to now, Chisholm Island, for going in there? What did you have to pay; do you remember?

Capt. BROWN. On a barge?

Mr. BYRNES. Yes.

Capt. BROWN. I think the pilotage there would be about \$23 or \$24 each way; perhaps \$26 or a little higher.

Mr. BYRNES. About \$50 for going in and coming out?

Capt. BROWN. Yes. That is about it; it is about \$25 or \$26 each way.

Mr. BYRNES. Chisholm Island is how far from the bar going in there? How do you go?

Capt. BROWN. About 18 miles from the bar. You go through St. Helena Sound, you know.

Mr. SMALL. Captain, as to the entrance to Cape Fear River, how does that compare with the other Southern ports?

Capt. BROWN. Just about the same as the rest. It is a little narrower at the entrance, but there is plenty of water, and narrowness does not amount to much as long as you get plenty of water. We go in and out of there. I towed two barges in there. I have been there at all hours of the night when I was running to Wilmington, so that there could not be much risk.

Mr. SMALL. The harbor is lighted and buoyed?

Capt. BROWN. Yes, sir; they have got the lights, you know, on the buoys. And, in fact, all along the coast. Take Jacksonville, there it is lighted up right from the city, and the same with Savannah and Charleston. Why, a blind man, almost, could get into those ports now, to what it was years ago.

Mr. BYRNES. You say you entered Chisholm Island for a year and only saw a pilot how many times?

Capt. BROWN. Once, and he did not come out that time; he just went over there to pay his respects to the captain of the barge—to pay him a little visit.

Mr. BYRNES. The pilotage fee was called for in each case, you say?

Capt. BROWN. Oh, yes, sir.

Mr. BYRNES. Who got that pilotage fee? To whom was it paid?

Capt. BROWN. It was paid to the pilotage association—the Beaufort Pilotage Association.

Mr. BYRNES. It was paid to the association?

Capt. BROWN. Yes, sir.

Mr. BYRNES. Not to any particular individual, but to the association?

Capt. BROWN. It was divided up among them, you know. There are three or four of them. There are two Von Hartens and two O'Briens—I could tell you their names all along the coast, if I had had the time to think them over.

Mr. GOODWIN. Are these fees paid at the port?

Capt. BROWN. Oh, yes. I believe with the Southern Transportation Company. They just get a card signed. The captain does not pay, but they just sign the card, and they send that on to the home office and get a check for the pilotage.

Mr. BYRNES. You do not see them pay it, of course?

Capt. BROWN. No, but I know they pay them; I have heard that through the captains of the barges.

Mr. BYRNES. You heard it afterwards?

Capt. BROWN. Yes, sir.

Mr. SMALL. As to these several Southern ports and as to whether the pilots actually went on board of the barge each time or not, will you please state what you know about that and refer to the ports?

Capt. BROWN. I know in Savannah we very often go in there without pilots. They are not out in bad weather when you want a pilot; they are usually inside. That is where I always find them—on the inside of the bar. The last northeaster we had, we were cruising off there and keeping a lookout for foreign vessels. There were several large vessels expected, and I went pretty well offshore with my tug, because the competition is pretty good there in the towing business, you know; and any time I came in toward the bar and went inland

and saw the buoy I kept a lookout to see where the pilot was, and I could not find anybody there. I say the buoy, but the pilots were all inside. And some of the vessels laid over all night long, waiting until the pilot felt like going out over the bar. That is the way they run it at Charleston—the same way.

Mr. BYRNES. It is the first pilot that gets to him?

Capt. BROWN. No; we have no competition in piloting in Savannah or in any of the southern ports. I believe they have a little opposition at Beaufort, S. C.

Mr. BYRNES. I understood they did; that is why I asked.

Capt. BROWN. Yes.

Mr. SMALL. Has it been frequently the case at any of those southern ports that the pilot who claimed some pilotage against the barge did not go aboard the barge?

Capt. BROWN. Oh, yes. I have seen them go aboard; go across the river to the barge, where the barge laid over at Savannah. I have seen them go aboard during the day sometime—go aboard in the afternoon and want to know what time they were going out and ask the captain of the barge to please relieve them. They would say, "There is no use of my going down, Captain," and the captain would say, "I guess the captain of the tugboat will look after the barges for us all right"; and then they would turn around to me and say, "Capt. Brown, there is no use of my going along, and I would say, "No"—I had to go anyhow, you know—"it don't make any difference to me"; and they did not go down. They do not want to leave home, you know. And I would have to look after the tow, and they would just look after the money and go back home. But they always go over and pay their respects to the captains and make reports, so that he can make a report to the owners, you understand.

Mr. GREENE. That is where they collect at the source.

Mr. GOODWIN. Does the State get any of this money, or does it go to the pilots' association?

Capt. BROWN. The State only gets a little, I believe, from the schooners.

Mr. GOODWIN. Are tolls collected on the barges?

Capt. BROWN. The State does not get any of that. I do not know as they get any of the schooner fees, either; I do not think so.

Mr. GOODWIN. It all goes to the association of pilots?

Capt. BROWN. Yes, sir. But they make a very good living, I will tell you. I know myself, personally, because I have several friends who are pilots, and I do not think they would miss that little barge business a great deal. They make about \$3,500 to \$2,600 a year in Savannah in fees, so that they are not bad off at all.

Mr. BYRNES. Those men in Beaufort, if you know them, they do not make that much money, do they?

Capt. BROWN. No.

Mr. BYRNES. They do not have as much business; it is only at the larger ports?

Capt. BROWN. At the larger ports; yes.

Mr. BYRNES. Down at Charleston they do more business, I suppose.

Capt. BROWN. They are not entitled to it down at Beaufort, anyhow. It is only very rarely that you see one of them. They are doing something else. I know two of the pilots, and they are hauling freight; they have gasoline boats and lighters, running in competition

with this barge business. I understood from both the O'Briens that they have lighters and gasoline boats hauling stuff on the inland route.

Mr. SMALL. Captain, something was said about the danger of the barge getting out of the channel and obstructing the channel. Will you state whether there is any danger of that?

Capt. BROWN. I take it it can not be very great. I can not remember an instance where any of them have gotten ashore since I have been towing boats, and that has been for 30 years. I have had a license for 28 years, and I was towing boats for a little while before that. Before I had a license my father owned a couple of tugs, and I used to go around on them. And I have only known one boat to be lost on the bar. There are several steamers that have gotten ashore while they had a pilot on board, but they have gotten off; they did not stay there. They did not have a towboat; the pilot simply went aboard the steamer and piloted the steamer down and got out of the channel a little. One steamer there at one time laid there a week. They had a pilot, but I am sure they did not have a towboat or they would not have been on that bank. But they got ashore with the pilot on board.

Mr. SMALL. A State pilot?

Capt. BROWN. Yes, sir.

Mr. SMALL. Then in your experience you would say there is no danger?

Capt. BROWN. No reason at all; not a particle. Any man can steer a barge if he has ever steered a boat in his life; you can take the greenest man in the world.

Mr. SMALL. Does the man who steers the barge have anything to do except to follow the tug?

Capt. BROWN. That is all—to follow the boat. Why, you can even follow him in a fog. We demonstrated that Friday night when we went into Charleston. The fog was so thick we could not see the Charleston lightship, but we heard the blow buoy off there, and we picked up the blow buoy and got close enough, you know, to see the reflection of the light. They have a gas buoy, and we got close enough to see the light, and I laid the course into Fort Sumter and the barge followed, and I did not see the barge for three or four hours at a time.

The CHAIRMAN. What kind of a hawser do you have?

Capt. BROWN. Oh, we have about five or six hundred feet between the two barges. Each barge had that much hawser from the tug to the first barge, and then from the first barge to the second—about 1,200 feet of hawser altogether.

Mr. GOODWIN. Why do you have such a great distance?

Capt. BROWN. To keep the line from getting taut; to keep it from surging, you know. Take a short line in a seaway and you could not tow in a seaway; but with a long line the weight on the line itself makes it easier on the tow; there is so much length between the two barges that it takes up the strain to a greater extent.

Mr. SMALL. I believe there is an inside route through beyond Chisholm Island to St. Helena Sound and to Savannah.

Capt. BROWN. Yes. You can get through there with about 9 or 10 feet.

Mr. BYRNES. You mean in depth on that inside route?

Capt. BROWN. Yes.

Mr. BYRNES. Oh, no; not that depth all the way.

Capt. BROWN. I know; don't tell me. I have been running that route for the last—

Mr. BYRNES. I am glad to have you say so, because the engineers say there is not at Rams Horn Creek.

Capt. BROWN. I beg to differ with them. I can carry them through at any time they would like to go. I have a boat that draws 11 feet, and I can go through at any time an hour and a half before high water.

Mr. BYRNES. From Beaufort to Savannah?

Capt. BROWN. Yes, sir.

Mr. BYRNES. When were you there last?

Capt. BROWN. About a month ago.

Mr. BYRNES. On full water?

Capt. BROWN. On half tide, sir.

Mr. SMALL. Do you know of any instance where the pilots have attempted to enforce compulsory pilotage against barges on that inside route?

Capt. BROWN. Do I know?

Mr. SMALL. Do you know of any instance where they enforced compulsory pilotage on barges taking that inside route?

Capt. BROWN. No, sir; I do not know of that. You can take the inside route, sir, from Charleston to Jacksonville, now 10½ feet all the way there.

Mr. BYRNES. The reason I asked as to the depth of that inside route, I have been along there myself, to a place called Rams Horn Creek, and there is not that depth of water there.

Capt. BROWN. You do not have to go that way. You can go by the sound; you do not go through Rams Horn Creek, and I have been through there with my boat, too.

Mr. SMALL. Mr. Byrnes is a Member of the House from South Carolina, and you will have to take him over that trip.

Capt. BROWN. I will be glad to have him go all the way through from Charleston to Jacksonville. Recently they have opened the route between Fernandina and Charleston, and I have been through there and had no trouble at all.

Mr. BYRNES. You do not have to get a pilot to go on that inside route?

Capt. BROWN. Not at all.

**STATEMENT OF CAPT. JOHN G. QUINBY, UNITED STATES NAVY,
RETIRED, OF NORFOLK, VA.**

Mr. SMALL. Captain, do you know the conditions of these southern ports?

Capt. QUINBY. Yes.

Mr. SMALL. Which of them?

Capt. QUINBY. I have been in Charleston and Jacksonville and Savannah and Wilmington and Beaufort and Sapello Sound.

Mr. SMALL. Is there, in your opinion, any necessity for pilots on barges in tow of tugs going into those ports?

Capt. QUINBY. Not the slightest, sir. There is none.

The CHAIRMAN. Can you give your reason why that is so, Captain?

Capt. QUINBY. Well, I have towed barges, and I have been in tow, and I know how easy it is to follow the tug ahead, because it is only necessary to follow the tug ahead and you can not get away from it. You have to follow the tug ahead.

The CHAIRMAN. As I understand each barge, of course, must be manned by not less than three men.

Capt. QUINBY. They have a captain and two men there to steer.

The CHAIRMAN. Yes, and either one of them is entirely competent to steer, is he not?

Capt. QUINBY. If he was not, the captain would not have him there.

Mr. SMALL. Now, Capt. Quinby, are you familiar with the passes at the mouth of the Mississippi River?

Capt. QUINBY. I have been in the passes in the mouth of the Mississippi River on two separate occasions, sir.

Mr. SMALL. Is there any good reason why the master of a tug having barges in tow, with a Government licensed pilot in command, should not be able to navigate his tug through the passes into the Mississippi River?

Capt. QUINBY. I do not know of any, sir. I do not know of any reason why he should not be able to take it through.

Mr. SMALL. I also want to ask you about the barge; you say there is no good reason why the barge should not be able to follow the tug?

Capt. QUINBY. No, sir; none whatever.

Mr. SMALL. Captain, what is the practice in a fleet of warships entering a harbor as to the employment of pilots? How many pilots do they usually employ?

Capt. QUINBY. One.

Mr. SMALL. What ship does he board?

Capt. QUINBY. He boards the first ship and the other ships follow him.

Mr. SMALL. So that the custom in the Navy where they take a pilot is that they only board the ship in the lead?

Capt. QUINBY. The leading ship takes the pilot and the signal goes up to follow such and such a ship into the port. There is no towline between them either, sir.

Mr. SMALL. Is that the universal practice?

Capt. QUINBY. In our Navy it is, yes, sir.

Mr. SMALL. I mean in our Navy.

Capt. QUINBY. Yes, sir. Also, I have known occasions where they have placed pilots on board of every ship. I went into Charleston Harbor and they put a pilot on our ship and they put a pilot on the flagship, too. There were only two of us on that occasion.

Mr. SMALL. But ordinarily they only have one pilot on the ship in the lead?

Capt. QUINBY. Yes, sir. The whole fleet has gone into New York under those conditions.

Mr. BYRNES. You mean it depends upon the port, then?

Capt. QUINBY. No, sir; it does not.

Mr. BYRNES. Why do you put them on every boat in one case and not in another?

Capt. QUINBY. On the occasion I spoke of it was the occasion that ruled. The occasion I speak of was when we went into Charleston to pick up President Taft and take him down to Panama.

Mr. BYRNES. Why did you it then?

Capt. QUINBY. Because if we had been delayed, or anything, it would have delayed the whole expedition.

Mr. BYRNES. It was just an extra precaution?

Capt. QUINBY. It was just an extra precaution on that occasion.

Mr. BYRNES. The last time the battleships went to Charleston, do you know whether they put a pilot on every ship or not?

Capt. QUINBY. I was not there, and so I can not tell you.

STATEMENT OF CAPT. E. P. SNYDER, OF NORFOLK, VA.

Mr. SMALL. Where is your home port?

Capt. SNYDER. Norfolk, Va.

Mr. SMALL. Have you had experience as master of tugboats engaged in towing barges?

Capt. SNYDER. For 25 years I have been a master of tugboats towing barges, absolutely.

Mr. SMALL. You have a license as a Government pilot?

Capt. SNYDER. I have been licensed since 1891.

Mr. SMALL. Captain, are you familiar with the southern ports between Wilmington and Jacksonville, inclusive?

Capt. SNYDER. I have been into them all and may say that I am familiar with them all.

Mr. SMALL. How long have you had experience as master of tugboat engaged in towing barges?

Capt. SNYDER. For 25 years.

Mr. SMALL. Of course, as a master of a tug or steamer with a string of barges in tow, the tug is not required to take a pilot under any State law?

Capt. SNYDER. Not when the master acts as a Government pilot—if he holds a Government pilot's license.

Mr. SMALL. Is there any necessity for the barges to take a State pilot following in tow of a tug with a master having a Government license?

Capt. SNYDER. No, sir; none that I can see.

Mr. SMALL. Why, Captain?

Capt. SNYDER. Because they can not render any service. It would be necessary only, for the barges to get in, to follow the tugboat absolutely. The captain and crew of the barge is perfectly capable to steer that barge to follow the tug, and therefore I can not see where a pilot renders any service whatever.

Mr. SMALL. That is the result of your long experience?

Capt. SNYDER. Yes, sir.

Mr. SMALL. You know, of course, that compulsory pilotage has been and is attempted to be enforced in those southern ports against barges?

Capt. SNYDER. Yes, sir.

Mr. SMALL. Do the pilots take the wheel of the barge and take charge?

Capt. SNYDER. No, sir.

Mr. SMALL. Have you ever known a pilot to take the wheel of a barge and navigate her?

Capt. SNYDER. No, sir.

Mr. SMALL. What do they do?

Capt. SNYDER. Sit down, and have a chat with the master of the barge during the meantime.

Mr. SMALL. Do they always go aboard?

Capt. SNYDER. Not always.

Mr. SMALL. What is your recollection about that?

Capt. SNYDER. Well, up until two months ago I had not seen one board in a long time. About two months ago they commenced to watch me and to see that they did get aboard on the inward tow. Coming out, I have my first time yet to see one aboard a vessel or aboard a barge.

Mr. SMALL. It was about two months ago that this agitation began to relieve barges from compulsory pilotage, was it not?

Capt. SNYDER. I think so.

Mr. SMALL. Since that time they have been going aboard more?

Capt. SNYDER. They have been on the job more frequently.

Mr. SMALL. Ever since that time, have they taken the wheel of the barge and navigated her?

Capt. SNYDER. No, sir.

Mr. SMALL. They simply go on board?

Capt. SNYDER. Simply go on board.

STATEMENT OF CAPT. W. B. CORSON, OF PHILADELPHIA, PA.

Mr. SMALL. Where is your home port, Captain?

Capt. CORSON. Philadelphia.

Mr. SMALL. Have you a Government license?

Capt. CORSON. No, sir; not a steamboat license.

Mr. SMALL. You are the captain of a barge?

Capt. CORSON. Yes, sir.

Mr. SMALL. I beg your pardon. Then you have acted as the captain of a barge?

Capt. CORSON. Captain of a barge; yes, sir.

Mr. SMALL. How many years' experience have you had?

Capt. CORSON. I have been five years with one company.

Mr. SMALL. What did you do before that?

Capt. CORSON. Sailing vessels.

Mr. SMALL. You were on sailing vessels?

Capt. CORSON. Yes, sir.

Mr. SMALL. During these five years' experience have you been engaged in the barge traffic to southern ports?

Capt. CORSON. I have for the last year.

Mr. SMALL. During 1915?

Capt. CORSON. During 1915; yes, sir.

Mr. SMALL. Take Beaufort Inlet, N. C., where they have attempted to enforce compulsory pilotage against barges. Do the pilots come aboard the barge?

Capt. CORSON. I have never spoken the Beaufort Inlet at all.

Mr. SMALL. Your barge has never been spoken, even?

Capt. CORSON. Not in Beaufort; no, sir.

Mr. SMALL. And no one came aboard?

Capt. CORSON. No one came aboard.

Mr. SMALL. To what other ports have you sailed?

Capt. CORSON. Wilmington, Charleston, Chisholms Island.

Mr. SMALL. What has been your experience, as the master of a barge, in getting into those ports—Charleston and Chisholms Island?

Capt. CORSON. In nine trips to Chisholms Island I have never seen a pilot board a barge; not one pilot. I have been spoken at the wharf after I got in there and the barge was loading.

Mr. SMALL. Did any pilot come on board then?

Capt. CORSON. Neither way, in or out.

Mr. SMALL. What has been your experience at Charleston?

Capt. CORSON. Once, and that was last month.

Mr. SMALL. How many trips have you made in and out of Charleston?

Capt. CORSON. I think about 8 or 10; somewheres around there. That is, in and out.

Mr. SMALL. And you were only spoken by a pilot at one time?

Capt. CORSON. Only boarded by the pilot once.

Mr. SMALL. And that was last month?

Capt. CORSON. Last month, and then he jumped aboard without anybody sighting him.

Mr. SMALL. When this pilot jumped aboard last month, did he take the wheel?

Capt. CORSON. He did not.

Mr. SMALL. Did he ask to do so?

Capt. CORSON. No, sir; he did not; he simply asked for a match to light his cigarette.

Mr. SMALL. Is that the only service he rendered?

Capt. CORSON. That is all—to beg a match.

Mr. SMALL. You mentioned another port?

Capt. CORSON. Wilmington?

Mr. SMALL. Wilmington, N. C.

Capt. CORSON. Yes, sir.

Mr. SMALL. How many trips have you made in there?

Capt. CORSON. I have made eight in there.

Mr. SMALL. Has any pilot spoken you there?

Capt. CORSON. I was spoken, I think, in that time about three different times and one pilot boarded me. And the reason he boarded me, he said another pilot boat was out there fishing and he was in opposition to him. But he would not come aboard at that time, but said Mr. Craig would be around at Wilmington, and asked me to sign the card.

Mr. SMALL. To sign a card; you mean so that he could get paid?

Capt. CORSON. So that he could get paid; yes.

Mr. SMALL. He said he only came on board in order to keep out his competitor?

Capt. CORSON. That was the idea of it; yes, sir. It was Mr. Joseph Daniels.

Mr. SMALL. That was the name of the competitor?

Capt. CORSON. No, sir; the name of the pilot. He had one eye; I shall always remember him.

Mr. SMALL. This pilot had only one eye?

Capt. CORSON. Yes, sir.

Mr. GOODWIN. The Federal law, as I understand it, requires tugs engaged in the coastwise trade, drawing barges, to have a pilot who has a Federal license. And, in addition to this, these State laws require pilots to go on the barges. Now, which man is in command

of that tug—the pilot who holds a Federal license or the State pilot who holds a State license?

Capt. CORSON. In command of the tugboat?

Mr. GOODWIN. Yes, sir.

Capt. CORSON. The man that holds the Federal license.

Mr. GOODWIN. The man that holds the Federal license?

Capt. CORSON. Yes, sir.

Mr. GOODWIN. Suppose a conflict of authority should arise between the man who holds the Federal license commanding the tug and the man who holds the State license who stays back on the barge; who prevails—who is paramount? The man who is in command of the tug under the Federal license is in authority, is he not?

Capt. CORSON. We can not do anything else; only to follow the tug.

Mr. GOODWIN. To follow the tug?

Capt. CORSON. That is all we can do.

Mr. GOODWIN. Then the man who sits back on the barge, the man who holds the State license, might be compared to an engineer running a train who stays back in the caboose?

Capt. CORSON. I do not believe I understand your question.

Mr. GOODWIN. I say the man who sits on the barge, under the State pilotage law, has no more to do with the running of that tug and the barges than a locomotive engineer would have to do who occupied the rear end of the caboose, in running a train?

Capt. CORSON. The same thing. The tail end of that train has got to go where the engines goes.

Mr. GOODWIN. The train has got to go forward and the man on the rear end of the train has no control over the movement of that train?

Capt. CORSON. No.

Mr. BYRNES. You mean when you go into Savannah, the pilot there boards your tug—you are on the tug?

Mr. SMALL. He is on the barge.

Mr. BYRNES. You are on the barge. Say he goes on the tug; the man who is running that tug has the right to say what course it shall take, not the bar pilot who gets on?

Capt. CORSON. I have not a thing to say about the tugboat at all. I am simply following the tugboat.

Mr. BYRNES. That is what he wants to know.

Mr. GOODWIN. No; he has no business on the tug, because that is under the Federal law.

Mr. BYRNES. He commands the barge; if he gets on the barge, he has the decision.

Mr. GOODWIN. But he can not say which course the tug will take?

Capt. CORSON. He has nothing to say about what course the tug will take; no, sir.

Mr. GOODWIN. Because the man who holds the Federal license is on the tug and he controls the movement of the tug which controls the movement of the barges, of course.

Mr. SMALL. The United States statutes actually forbid the State pilot from interfering with the master of the tug holding the Government license.

Now, Capt. Corson, just this question before you leave the stand: You say you have had five years' experience now as master of barges?

Capt. CORSON. Yes, sir.

Mr. SMALL. Is there any difficulty whatever in the master of the barge, who is at the wheel, following the tug under any circumstances?

Capt. CORSON. Under no circumstances whatever.

Mr. SMALL. You base that on your experience?

Capt. CORSON. Certainly.

Mr. HARDY. Is he not bound to follow it unless the rope breaks?

[Laughter.]

Capt. CORSON. That is the question.

Mr. BYRNES. Let me ask you this question: You say you have been to Chisholms Island how many times?

Capt. CORSON. I have made eight trips in there, and one to Wiggins, inside of a year.

Mr. BYRNES. How many times did you see a pilot?

Capt. CORSON. I never saw one at the bar; and I would never see him unless when I went in there. On one of those eight trips, on the last trip he came over on a Sunday.

Mr. BYRNES. Who was that?

Capt. CORSON. That was Capt. O'Brien.

Mr. BYRNES. He came there on a Sunday?

Capt. CORSON. Yes, sir.

Mr. BYRNES. That is the only time you have seen a pilot there?

Capt. CORSON. That is all.

Mr. SMALL. And that is after you got in to the landing?

Capt. CORSON. I had been tied up to the dock for a long time.

Mr. BYRNES. You were on the barge going to Chisholm Island?

Capt. CORSON. No; at the dock when he came aboard.

Mr. BYRNES. You were going after phosphate rock?

Capt. CORSON. Phosphate rock. He had a little card about three inches long and an inch wide, and he said I could sign it and drop it in the mail. But he did not even have a postage stamp on them, and I had to pay the postage out of my own pocket.

Mr. SMALL. He brought this card for you to sign in order that he could get his money?

Capt. CORSON. Oh, yes. He said he would give me enough of them.

Mr. SMALL. Then what were you to do with them?

Capt. CORSON. Send them to Wilmington. They tell you that Mr. Craig will come around to see you.

Mr. SMALL. Did Mr. Craig come?

Capt. CORSON. I have not seen Mr. Craig yet. Moffet, and Wood, grocery people, you pay and send the card up from them.

Mr. SMALL. The card is always presented?

Capt. CORSON. Always.

The CHAIRMAN. Is there anyone here who sails in and out of the port of New Orleans?

(No response.)

Mr. HARDY. Are any of you familiar with the New Orleans conditions? It seems to me that somehow I have heard the statement that they have some peculiar need for the pilot service there. I do not know what it is.

(No response.)

The CHAIRMAN. Mr. Fry, it is about 90 miles from Philadelphia, is it not, to the open sea?

Mr. FRY. You say how far is it from the Capes to Philadelphia?

The CHAIRMAN. Yes.

Mr. FRY. About 87 miles.

The CHAIRMAN. Is there any compulsory pilotage there?

Mr. FRY. No, sir; that is, not for coastwise shipping. There is for foreign shipping. They have a pilotage association there, but it only applies to foreign shipping.

Mr. SMALL. Mr. Chairman, I would like to present to the committees some copies of resolutions. You may have the originals here. These are certified copies of resolutions adapted by the Savannah Board of Trade, the Chamber of Commerce of Wilmington, N. C., and the Chamber of Commerce of Wilmington, Del. Also an original resolution by the Lumbermen's Exchange of the City of Philadelphia; an original resolution by the Pennsylvania Lumbermen's Associations, of Philadelphia; resolutions by the Philadelphia Wholesale Lumbermen's Association; the Chamber of Commerce of Norfolk, Va.; and a resolution by the Chamber of Commerce of Jacksonville, Fla.

I respectfully ask that they be included in the hearings.

The CHAIRMAN. Very well, if there is no objection.

(The resolutions referred to will be found following the adjournment.)

Mr. SMALL. We also have here affidavits by certain masters of barges engaged in this traffic which we would like to submit and have incorporated in the hearings.

The CHAIRMAN. That will be done if there is no objection.

(The affidavits referred to will be found following the resolutions above referred to.)

Thereupon, at 4 o'clock p. m., the hearing was adjourned until Tuesday, February 8, 1916, at 10 o'clock a. m.

The resolutions and affidavits offered for the record by Mr. Small are as follows:)

RESOLUTIONS ADOPTED AT SPECIAL MEETING, BOARD OF DIRECTORS, SAVANNAH BOARD OF TRADE, JANUARY 22, 1916.

Resolved, By the board of directors of Savannah Board of Trade that we hereby heartily indorse, approve, and recommend the passage of the bill now pending in the House of Representatives of the United States Congress amending section 4444 of the United States Revised Statutes and entitled "A bill to exempt from compulsory pilotage the barges while in tow of steam vessels navigated by Government pilots."

Resolved further, That the secretary of the Savannah Board of Trade send copies of these resolutions to the Senators and Representatives in Congress from this State and all other South Atlantic States.

A true copy.

THOMAS PURSE, *Secretary*.

CONCERNING PILOTAGE ON BARGES.

Whereas a bill has been introduced in Congress by Representative John H. Small "to exempt from compulsory pilotage barges while in tow of steam vessels navigated by Government pilots," which enactment is necessary to relieve barge service of an unnecessary burden and place it on equality with steam vessels in the coastwise trade, it is the sense of this chamber that the bill provides much needed relief, and that its early passage be urged.

Resolved, That a copy of this action be certified to the Senators and Representatives from this State, with request that they cooperate with Representative Small in effecting an early enactment of the bill.

Adopted by the chamber of commerce at a special meeting held January 24.

Correct attest:

H. B. BRANCH, *Secretary*.

WILMINGTON, N. C.

Whereas it has come to the attention of the board of directors of the Chamber of Commerce of Wilmington, Del., that there has been introduced in the Congress of the United States by Hon. John H. Small, a Representative in Congress from North Carolina, a bill amending section 4444, Revised Statutes of the United States, the effect of which is to exempt from compulsory pilotage, barges while in tow of steam vessels navigated by Government pilots, and, Whereas, after investigation, it appears to the board of directors of the Chamber of Commerce of Wilmington, Del., that the Congress should enact said measure for the following reasons, to wit:

(a) The pilotage charges now imposed are arbitrary charges for a service neither needed nor rendered, as total responsibility rests upon the pilot of the steam vessels towing the barges;

(b) The justice of the abolition of such pilotage charges has been recognized at all Atlantic ports north of and including Virginia ports;

(c) Inasmuch as barges in tow are totally dependent upon steam vessels towing them, and in contemplation of law a steam vessel towing any number of barges is one vessel, the utter uselessness of additional pilots is apparent;

(d) The compulsory pilotage existing in South Atlantic ports has resulted in a freight rate on barge traffic which in many cases will prove prohibitive;

(e) The elimination of pilotage on barges would result in a phenomenal increase in the amount of freight carried on barges through the inland waterways of the Atlantic coast between northern and southern ports;

(f) The abolition of this pilotage would enable important local industries employing vast numbers of all grades of labor to secure raw materials, particularly southern lumber, much cheaper: Now, therefore, be it

Resolved, That the board of directors of the Chamber of Commerce of Wilmington, Del., respectfully petition the Committee on Commerce of the Senate and the Committee on Merchant Marine and Fisheries of the House of Representatives of the United States to give favorable consideration to the said bill amending section 4444, Revised Statutes of the United States, and be it further

Resolved, That the Senators and Representatives from Delaware be respectfully petitioned to exercise their full influence and votes in favor of said bill, and be it further

Resolved, That this resolution be spread upon the minutes, and that copies thereof be forwarded to the Hon. Henry A. du Pont, United States Senator from Delaware, Hon. Willard Saulsbury, United States Senator from Delaware, Hon. Thomas W. Miller, Member of Congress from Delaware, Hon. J. W. Alexander chairman of the House Committee on Merchant Marine and Fisheries, Hon. J. P. Clarke, chairman of the Senate Committee on Commerce, and that copies be sent to the daily press.

Adopted by the board of directors of the Chamber of Commerce of Wilmington, Del., January 27, 1916.

A true copy.

Attest:

NEIL B. SINCLAIR,

Managing Secretary.

THE LUMBERMEN'S EXCHANGE,
Philadelphia, January 28, 1916.

This is to certify that the following resolutions were adopted by the Railroad and Transportation Committee of the Lumbermen's Exchange of the City of Philadelphia on the above date:

Resolved, That we hereby indorse, approve, and recommend the passage of bill H. R. 9678, now before Congress, to exempt from compulsory pilotage barges while in tow of steam vessels navigated by Government pilots.

Further resolved, That a letter embodying the above resolution be sent to the Senators and Representatives in Congress from the State of Pennsylvania and to the Hon. J. W. Alexander, chairman of the Committee on Merchant Marine and Fisheries.

J. RANDALL WILLIAMS, JR.,

Chairman Railroad and Transportation Committee.

PENNSYLVANIA LUMBERMAN'S ASSOCIATION (INC.),
Philadelphia.

Below is a copy of a resolution adopted at the meeting of the Pennsylvania Lumberman's Association held in Philadelphia, January 27, 1916.

Our association is a State organization of the retail dealers of lumber throughout the State of Pennsylvania and we feel that the question of com-

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pulsory pilotage is one of vital importance to all concerned in our business, inasmuch as it is unnecessary and only adds to the cost of lumber.

We respectfully trust that you can give your support to the passage of the bill in question.

RESOLUTIONS ADOPTED AT MEETING OF THE PENNSYLVANIA LUMBERMAN'S ASSOCIATION, HELD IN PHILADELPHIA, PA., JANUARY 27, 1916.

Resolved, By this association that we hereby indorse, approve, and recommend the passage of bill H. R. 9678 "to exempt from compulsory pilotage the barges while in tow of steam vessels navigated by Government pilots," recently introduced in the House of Representatives by Hon. John H. Small, of North Carolina.

Resolved further, That the secretary of this association send copies of these resolutions to the Senators and Representatives in Congress from this State and to the Hon. J. W. Alexander, Chairman of Committee on Merchant Marine and Fisheries.

Certified from the minutes.

J. FREDERICK MARTIN,
Secretary.

A copy of the above letter was mailed this day, January 29, 1916, to each United States Senator and Congressman from the State of Pennsylvania.

J. FREDERICK MARTIN,
Secretary.

PHILADELPHIA, January 20, 1916.

DEAR SIR: We understand that Hon. John H. Small, from North Carolina, has introduced a bill in the House of Representatives, regulating compulsory pilotage on barges while in tow of steam vessels navigated by Government pilots.

This association is vitally interested in the passage of this bill.

At our annual meeting recently held, a resolution was unanimously adopted directing the secretary to communicate with the Members of Congress from Pennsylvania, urging their united effort to further the passage of this bill.

The expansion of traffic by barge on broad and comprehensive lines will act as an important factor in the reduction of the cost of many commodities to the consumer, thereby lowering the cost of living.

It is of particular importance to this community that the traffic by barges using the Norfolk-to-Beaufort inland waterway, thus avoiding the dangers of Cape Hatteras, be developed without hindrance, which are an unnecessary and a useless and burdensome tax for services not needed and actually never rendered to the barges.

State pilotage charges on barges undoubtedly constitute a serious handicap in retarding the growth of this very important traffic, the result of which is that this great manufacturing metropolis is denied the benefits of inland waterways through the advantageous use of the large fleets of barges hailing from Philadelphia by a system of waterways which her citizens have done so much to create. Philadelphia, therefore, is vitally concerned in the development of a barge traffic with the South Atlantic ports, and we earnestly urge upon you the importance of supporting Mr. Small's bill and confidently rely upon your personal influence in its passage.

Respectfully, yours,

PHILADELPHIA WHOLESALE LUMBER DEALERS' ASSOCIATION,
THOS. B. HAMMER, *Secretary.*

EXTRACT FROM PROCEEDINGS OF MEETING OF BOARD OF DIRECTORS OF CHAMBER OF COMMERCE, NORFOLK, VA.

Mr. John W. Oast appeared before the directors and presented a resolution having to do with exemption of barges from compulsory State pilotage, which was adopted at the convention of the Atlantic Deeper Waterways Association held in Savannah, Ga.; and upon motion of Mr. T. S. Southgate, seconded by Mr. H. H. Rumble, this resolution received the hearty approval and indorsement of the board of directors of this organization.

BARTON MYERS,
Chairman.
W. A. Cox,
Secretary.

JACKSONVILLE CHAMBER OF COMMERCE,
Jacksonville, Fla., January 29, 1916.

Mr. M. C. WRIGHT,
Southern Transportation Co.,
Philadelphia, Pa.

DEAR SIR: Replying to your wire of the 28th inst., the following is a copy of our minutes in reference to bill to amend section 4444, United States Revised Statutes.

The matter of the indorsement of the bill introduced by Congressman John H. Small, of North Carolina, to amend section 4444, United States Revised Statutes, to exempt from compulsory pilotage barges while in tow of steam vessels navigated by Government pilots, was brought up and discussed, and on motion it was unanimously indorsed.

Very truly, yours,

GEORGE E. LEONARD,
Secretary.

STATE OF PENNSYLVANIA,
County of Philadelphia, ss:

Be it known that on the day of the date hereof, before me, the subscriber, a notary public for the Commonwealth of Pennsylvania, residing in the city of Philadelphia, personally appeared George B. Tall, who, being duly sworn according to law, did depose and say that he has been following the water for about 41 years, and was master of the Southern Transportation barge *Charleston* for nearly a year. While on the barge *Charleston* he made one trip to Charleston, S. C., and three trips to Savannah, Ga. On the trip to Charleston, in January, 1915, pilot boarded the barge, but did not render any assistance of any nature. On the first trip to Savannah, which was in March, 1915, pilot came aboard, but did not take the wheel or offer any information in regard to steering or navigating the boat. On the outtrip the pilot came aboard the barge while lying at the dock, and he signed his card for the outward pilotage. After that the pilot went aboard the tug and stayed there until after the tug and barge were across the bar, when the pilot was taken off by the pilot boat. Being on the tug the whole time, of course, it was impossible for the pilot to render any assistance to the barge, and, even though the pilot had been aboard the barge, there would have been nothing he could have done that would have been a help. On the second trip to Savannah, in June, 1915, pilot came aboard, but no assistance was rendered. On leaving Savannah the barge towed inside to Wiggins, and after the barge was to the dock at Wiggins pilot came aboard and wanted him to sign card, which he refused to do. The pilot then left, saying he would write the company. On the third trip to Savannah, August, 1915, pilot came aboard, but did not do anything. On none of the outtrips, except the first outtrip from Savannah, did any pilot come aboard. At no time did the pilots render any assistance of any kind, as it was impossible for them to render any. All the barge had to do was to steer after the tug, which the captain states that he was fully able and capable of doing without the assistance of a pilot. There was nothing else for the barge to do but follow the tug that was towing the barge.

GEORGE B. TALL.

Sworn and subscribed before me, this 21st day of January, A. D. 1916.

[SEAL.]

J. FRED DE HART,
Notary Public (commission expires Apr. 15, 1919).

STATE OF PENNSYLVANIA,
County of Philadelphia, ss:

Be it known that on the day of the date hereof, before me, the subscriber, a notary public for the Commonwealth of Pennsylvania, residing in the city of Philadelphia, personally appeared John T. Simmons, who, being duly sworn according to law, did depose and say that he has been following the water for about 32 years and has been master of boats about 24 years and master of the Southern Transportation Co.'s barge *Jupiter* nearly 2 years; that on the barge *Jupiter* he has made four trips to Charleston, S. C., and one to Wilmington, N. C. The trips to Charleston were made in January, March, July, and December, 1915, and to Wilmington, N. C., in September, 1915. While the

pilots spoke the barge each time going into port, there was only once that they boarded the barge, and that was in March, 1915, to Charleston. The pilots were never aboard going out of port. When the pilot was aboard, he did not steer the barge or render any assistance of any sort. There was no assistance he could have rendered, and all he did was to sit in the pilot house and talk. He gave no directions for steering or rendered any service of any kind.

JOHN T. SIMMONS.

Sworn and subscribed before me, this 19th day of January, A. D. 1916.

[SEAL.]

J. FRED DE HART,

Notary Public (commission expires Apr. 15, 1919).

STATE OF VIRGINIA,
City of Norfolk:

This day personally appeared before me Ellie R. Henshaw, a notary public, under the authority of the State of Virginia, and dwelling and practicing in the city of Norfolk, E. P. Twilley, who after first being duly sworn deposes and says as follows: He has been going to sea for about 12 years and has been master of barges for about 8 years, and master of the Southern Transportation Co.'s barge *Champlain* for about 1 year. That on said barge *Champlain* he has made three trips to Charleston, S. C., and none to Savannah; that his first trip was made in April, 1915, and his last trip was made in November, 1915. That upon each of his said trips to Charleston the pilots boarded his barge inward bound but not outward bound; that the pilots on no occasion ever rendered him any service, and there was no service that they could possibly have rendered him. It was their habit when he was forward to go forward and talk with him, or if he happened to be aft, to stand around the pilot house and talk with him there. They never took the wheel, or gave any steering directions whatever.

Given under my hand this 14th day of January, 1916.

ELLIE R. HENSHAW,
Notary Public.

STATE OF VIRGINIA,
City of Norfolk:

This day personally appeared before me Ellie R. Henshaw, a notary public, under the authority of the State of Virginia, and dwelling and practicing in the city of Norfolk, R. H. Spencer, who, after being duly sworn, deposes and says as follows: He has been following the water for about 12 years, and has been master of barges for 6 years. He is now master of the Southern Transportation Co.'s barge *Raritan*, and has made only one trip to Savannah, Ga., and one trip to Charleston, S. C.; that at Charleston a pilot boarded his barge both inward bound and outward bound, and on each occasion all the pilot did was to sit in the pilot house and chat socially. He never gave any directions for steering the barge; rendered no service of any kind. There was no service a pilot could possibly render, because all he had to do was to follow the tug, and if he was not able to steer behind the tug he could not hold the position he does. That on the occasion on which he went out of Charleston, the tug had two barges, and a pilot went aboard the tug and aboard his barge, but no pilot went aboard of the barge ahead of him.

Given under my hand this 13th day of January, 1916.

ELLIE R. HENSHAW,
Notary Public.

STATE OF VIRGINIA,
City of Norfolk:

This day personally appeared before me, Ellie R. Henshaw, a notary public, under the authority of the State of Virginia, and dwelling and practicing in the city of Norfolk, G. H. Lotman, who, after first being duly sworn, made oath and deposed as follows: That he has been following the water for about 18 years and has been master of barges for about 18 years. That he is now master of the Southern Transportation Co.'s barge *Brunswick*; that he has made two trips to Charleston and one to Chisolm Island; that on his trip to Chisolm Island a pilot boarded the tug, but did not board his barge, yet his barge had to pay pilotage; that at Charleston his first trip was in about January, 1915,

and his last was about August, 1915; that on his first trip no pilot boarded the tug or boarded his barge either in or out, yet his barge had to pay pilotage. On the last trip in August, however, a pilot boarded his barge inward bound, but did not board his barge coming out, yet his barge had to pay pilotage coming out just the same as if a pilot had boarded it. On the occasion on which the pilot did board him the pilot rendered no service whatever and merely chatted with him in the pilot house until dinner time, when he ate a hearty dinner, and then, having some doubt as to whether or not the tug and barge would arrive in the harbor before night, he got aboard the tug, after the tug had shortened hawsers and backed alongside of the barge. That the pilot rendered no service whatever while he was aboard, and there was none that he could possibly have rendered, as all that had to be done was to steer behind the tug, something deponent has done for 18 years.

Given under my hand this 13th day of January, 1916.

ELLIE R. HENSHAW, *Notary Public.*

STATE OF VIRGINIA,

City of Norfolk:

This day personally appeared before me, Ellie R. Henshaw, a notary public, under the authority of the State of Virginia, and dwelling and practicing in the city of Norfolk, A. J. Hastings, who, after first being duly sworn, deposes and says as follows: That he has been following the sea for 10 years and has been master of barges for four and one-half years; that he is now master of the Southern Transportation Co.'s barge *Mocassin*; that in said barge he has made one trip to Charleston, in about November, 1915; that no pilot boarded his barge either in or out, nor did they board the tug towing him; that they could not have rendered any service if they had, as all that was to be done was to steer behind the tug.

Given under my hand this 13th day of January, 1916.

ELLIE R. HENSHAW, *Notary Public.*

STATE OF VIRGINIA, *City of Norfolk:*

This day personally appeared before me, Ellie R. Henshaw, a notary public under the authority of the State of Virginia, and dwelling and practicing in the city of Norfolk, J. M. Gayle, who after first being duly sworn deposes and says as follows: He has been going to sea for a period of about 48 years, and for 40 years went to sea, as master, at different times on very nearly every type of vessel afloat—sailing all over the world. That he has been master of barges for about six years, and has been master of the Southern Transportation Co.'s barge *Pensacola* for about five months. That he has made two trips to Charleston, S. C., on the *Pensacola* and none to Savannah. His first trip was in August, 1915, and the last one in November, 1915. On each occasion the pilots at Charleston boarded him inward bound, but not outward bound. On no occasion did they ever take the wheel, or give any steering directions, or in any way give any service. They merely stood around and smoked cigarettes and got in the way.

Given under my hand this 14th day of January, 1916.

ELLIE R. HENSHAW,
Notary Public.

STATE OF VIRGINIA, *City of Norfolk:*

This day personally appeared before me, Ellie R. Henshaw, a notary public under the authority of the State of Virginia, and dwelling and practicing in the city of Norfolk, B. F. Middleton, who after first being duly sworn deposes and says as follows: He has been master of barges for about eight years and has made one voyage from north of Cape Henry to ports south of Cape Henry, when he went south with the barge *Champlain*, in the month of November, 1914, to Chisolm Island, with a load of coal and from there to Charleston, S. C., where he loaded lumber and returned to Philadelphia; that when the tug and tow arrived off the bar at St. Helena Sound, the pilots did not hail the barge or

make any offer of services, and he did not see any pilots until they boarded the tugboat three days later at Chisolm Island, while the barge and tug were in the harbor—that when the tug and barge left Chisolm Island bound for Charleston, S. C., the pilots at St. Helena bar did not offer any services, but when they passed over the Charleston bar, the pilots boarded the tugboat, but not the barge; that when the barge left Charleston, the pilots offered no services and made no appearance until after the tug and barge had passed out the inlet, when they boarded the tugboat, to arrange for the collection of their pilotage. The pilots rendered no service whatever to the barge, and could not possibly have rendered any service to his barge if they had come aboard it.

Given under my hand this 14th day of January, 1916.

ELLIE R. HENSHAW,
Notary Public.

STATE OF VIRGINIA,
City of Norfolk:

This day personally appeared before me, Ellie R. Henshaw, a notary public under the authority of the State of Virginia and dwelling and practicing in the city of Norfolk, W. R. Corson, master of the barge *Tuckahoe*, who, after first being duly sworn, deposes and says as follows: That he is 52 years of age and has been following the sea for a period of about 30 years; that in that time he has been master of schooners and barges and has been mate on square-rigged vessels; that for three years he was master of a Pennsylvania pilot boat and for the past five years has been master of barges belonging to the Southern Transportation Co.; that he has made quite a number of trips in barges to ports south of Cape Henry and Cape Lookout, and also from Chisolm Island to Wilmington, N. C., on which last route he ran steadily for several months; that in all of his experience in and out of ports south of Cape Lookout, pilots boarded his vessel on only two occasions—one occasion was at Charleston, S. C., on about December 21, 1915, when the pilot clambered aboard his barge while the tug was rung up; that the other occasion was at Cape Fear bar, when a pilot named Daniels boarded his barge, giving as his reason for doing so the fact that there was a pilot fishing off the bar who did not belong to the pilot association and whom he was afraid would speak the barge; that on his numerous trips from Chisolm Island to Wilmington the pilots at St. Helena bar never spoke his vessel outside the bar, and he never had any pilot in or out across that bar; that the only time he ever had anything to do with the pilots was when they would come aboard his vessel as it lay at the dock and ask him to sign tickets showing the draft of his vessel; that on the two occasions when pilots did board his barge they rendered him no service whatever—they merely sat in the pilot house and chatted with him socially; that there was nothing that they could have done, because even though they did not want to they had to follow the tug on the hawser that the tug pulled them on.

Given under my hand this 25th day of January, 1916.

ELLIE R. HENSHAW,
Notary Public.

STATE OF VIRGINIA, City of Norfolk:

This day personally appeared before me Ellie R. Henshaw, a notary public, under the authority of the State of Virginia, and dwelling and practicing in the city of Norfolk, Roy P. Russell, who, after first being duly sworn, deposes and says as follows: That he is 31 years of age and has been following the water for about 14 years, and has been master of barges for 3 years; that he is now master of the barge *Niagara*, and in said barge has made two trips to Charleston and two trips to Savannah; said trips being made in June and September, 1915, respectively; that in June his barge crossed the Savannah River bar from the sea and the pilots boarded him on that occasion, but merely sat in the pilot house and chatted with him, rendering no assistance whatever,—in fact, no assistance could be rendered, as all that deponent had to do was to follow the tug on its hawser; that in September his barge went across St. Helena Bar and on the inside route to Savannah from St. Helena Sound, returning via the outside route; that on this trip no Savannah pilots, nor Beaufort, S. C., pilots offered any services whatever; that on both trips he went across the Charleston bar, but no pilots ever spoke the barge or offered their

services, either inward or outward bound; that in September his said barge went across Cape Fear Bar, but no pilots spoke the vessel or offered their services.

Given under my hand this 26th day of January, 1916.

ELLIE R. HENSHAW,
Notary Public.

STATE OF VIRGINIA, *City of Norfolk:*

This day personally appeared before me Ellie R. Henshaw, a notary public, under the authority of the State of Virginia, and dwelling and practicing in the city of Norfolk, Dellie Warder, who, after first being duly sworn, deposes and says as follows: That he is 35 years of age, and has been master of barges for about 8 years, and is now master of the Southern Transportation Co's. barge *Orinoco*; that he has made 3 trips to Savannah and 1 trip from Chisolm Island to Savannah on the inland waters and thence from Savannah back to Chisolm Island on the inland waters; that on two of his trips he crossed the bar at Savannah River, and both times the pilots boarded his barge; that they did not board his barge or offer services outward bound; that when they did board his barge they rendered no service, because there was nothing they could do, he merely having to follow the tug; that on his trip from Chisolm Island to Savannah, on the inland waters, no pilots offered their services, but that when he returned from Savannah to Chisolm Island over the inland waters, the Savannah pilots boarded him and said they demanded pilotage on the inland waters within the State of Georgia; that when he passed into the waters of South Carolina the South Carolina pilots did not board him or offer any services; that when he arrived at Charleston and completed his cargo, his barge passed over the St. Helena Bar, but before it left the harbor one of the Beaufort, S. C., pilots boarded his barge and stated that they did not have any right to charge them pilotage on the inland waters, but only when his boat went outside of the bar, and they offered to pilot him across the bar; that he told the pilot he did not need him and that there was nothing he could do; that this conversation with the Beaufort pilot occurred in the latter part of November, 1915.

Given under my hand this 26th day of January, 1916.

ELLIE R. HENSHAW,
Notary Public.

STATE OF VIRGINIA, *City of Norfolk:*

This day personally appeared before me Ellie R. Henshaw, a notary public, under the authority of the State of Virginia, and dwelling and practicing in the city of Norfolk, W. P. Lewis, who, after first being duly sworn, deposes and says as follows: that he is 41 years of age and has been master of barges for about 5 years; that he is now master of the Southern Transportation Co's. barge *Connecticut*; that in said barge he has made 3 trips to Charleston and 1 to Savannah; that on no occasion did the pilots board him or offer services while he was outward bound, but they boarded him when he was inward bound; that the pilots were unable to render him any assistance as there was nothing to do but to follow the tug.

Given under my hand this 26th day of January, 1916.

ELLIE R. HENSHAW,
Notary Public.

EXEMPTING BARGES FROM COMPULSORY PILOTAGE.

COMMITTEE ON THE MERCHANT
MARINE AND FISHERIES,
HOUSE OF REPRESENTATIVES,
Tuesday, February 8, 1916.

The committee met at 10.30 o'clock a. m., Hon. Joshua W. Alexander (chairman) presiding.

The CHAIRMAN. If there are any persons here who wish to be heard in favor of this bill, we will be very glad to hear them at this time.

Mr. HARDY. Mr. Chairman, let me make this suggestion: I suppose there will be an amendment offered to this bill—at least, I would like to offer it—and I would like to hear what those in favor of the bill have to say about it. I believe that any other vessel in tow ought to be treated the same as barges in tow. If a sail vessel or a schooner comes up to the port and is towed in by an officer licensed as a pilot under the United States law, I can not see why that schooner should not be favored just as much as these barges and I believe such a provision ought to be made as an amendment to the bill. It has been suggested to me that they should be in the same class, and while we are examining into that matter I would like to have those in favor of the bill make suggestions with reference to that feature of it.

STATEMENT OF MR. MAURICE C. LONG OF NORFOLK, VA., REPRESENTING THE CHAMBER OF COMMERCE OF NORFOLK, VA.

The CHAIRMAN. What is your business?

Mr. LONG. I am in the steam laundry and dye work business.

The Norfolk Chamber of Commerce has had this bill before it and have indorsed the measure. They have sent a committee up here to appear before this committee in favor of the bill. The Norfolk Chamber of Commerce is in favor of the abolition of compulsory pilotage charges on these barges, as provided in the bill.

While the Norfolk people are not interested in a business way to any great extent in the merchandise that is taken through these inland waterways on these barges, yet all of these barges do pass through Norfolk, and Norfolk expects and has the hope that in the near future it will be a large manufacturing center and expects that they will then have a very great use for inland waterways; and they do not believe that anything in the way of a toll should be established on those inland waterways, and they think that compulsory pilotage charges are rather ridiculous and burdensome on the carriers. Of course, we all understand that these freight charges are ordinarily borne by the consumer and are, in a way, detrimental to the carriage of freight through these canals.

The Norfolk Chamber of Commerce is very earnest in its desire that the bill should pass; and while I have no arguments to offer especially in favor of the bill, I would be glad to answer any questions that may be asked.

Mr. BYRNES. Were you present at the meeting at which they advocated its passage?

Mr. LONG. No, sir; I was not.

Mr. BYRNES. Do you know how many members of the chamber of commerce were present at that meeting?

Mr. LONG. No, sir; I do not.

Mr. BYRNES. Do you know whether they gave hearings to both sides—to the pilots as well as those who were opposed to compulsory pilotage?

Mr. LONG. I do not know that definitely. I heard before the matter was brought up before the chamber of commerce that the matter had been submitted to the pilots' association of Norfolk. I do not know that of my own information; I heard it. The pilots' association in Virginia, of course, has exempted these barges, as you gentlemen know, from any charges.

Mr. HARDY. Let me ask you a further question.

Mr. LONG. Yes, sir.

Mr. HARDY. This bill provides that "no pilotage charges shall be levied by any State authority upon any steamer piloted as provided by this title, nor upon any barge in tow of such steam vessel." As I understand it, it frequently happens that schooners are towed in by tugs. Have you any objection or do you see any reason why that should not read, "Nor upon any barge or other vessel in tow of such steam vessel"?

Mr. LONG. I do not see any objection. From my point of view, I should think that amendment you mentioned a while ago would be a proper amendment to this bill.

Mr. HARDY. And another matter: Is it not a fact that the barges are generally owned by big corporations and the schooner would be practically wiped out of possible competition with the barges or other transportation if they alone had to pay the charges while the barges were exempted?

Mr. LONG. I think that is generally true—that the barges are owned by the large corporations. I do not know that of my own information.

Mr. HARDY. So that you see no objection?

Mr. LONG. I do not.

Mr. HARDY. And, in fact, would favor the inclusion of the other vessels?

Mr. LONG. I think that would be very logical, yes, sir.

The CHAIRMAN. The same reason applies to the one that applies to the other?

Mr. LONG. With equal force. Of course, there will be the point of view of the pilots, but at the same time I believe it must strike the members of the committee and the public at first blush, looking at this bill, that it is ridiculous to expect that any pilot could do anything with a barge tied by a hawser to a tug. I do not know of anything much more ridiculous except to put a motorman on two cars, one on the rear end and one on the front, and start to try pulling them apart. I do not see any reasonableness in the position of the

pilot that he could do the barges any good. I suppose the only argument that will be offered by the opponents to this measure is a disturbance of the financial revenues of the pilots in the various States.

Mr. BYRNES. How close is the trailer to the motor car in front?

Mr. LONG. It is very much closer, of course, than a tug would be to the barge.

Mr. BYRNES. And the trailer is on a track, is it not?

Mr. LONG. Yes.

Mr. BYRNES. And the barge is not on a track, is it?

Mr. LONG. No; the barge is not on a track. But it would be impossible for a pilot on the barge to direct the barge in any different direction from that in which the tug is going, as long as the barge is tied to the tug.

Mr. BYRNES. For a pilot. How about an ordinary seaman on the barge who is not a pilot? If there is no compulsory pilotage with the ordinary seaman on the barge, it would not be possible for him?

Mr. LONG. Yes, sir; I would say so, although I am not familiar enough with seafaring methods or with the technique of piloting to be able to speak with authority about it. But I would say he must navigate that barge by following along behind the tug.

The CHAIRMAN. With the tow line to help?

Mr. LONG. Yes.

Mr. BYRNES. Would there be any danger in a narrow channel at all?

Mr. LONG. No, I should think not. But I want to say to the committee I am not so familiar with the conduct of the steering of barges that I can speak with any great authority. However, it is reasonable to imagine that any man—a master of a steamer—could carry along a barge behind a tug without any great use of discretion.

Mr. BYRNES. But you have never tried it?

Mr. LONG. No, I have never tried it.

The CHAIRMAN. Under the law the Steamboat-Inspection Service are clothed with the authority to limit the length of the hawser and the number of vessels that may be towed. That act was passed in 1910, and I believe was reported from this committee.

Capt. MICHEL. Mr. Chairman and gentlemen, as the representative of the American Pilots' Association, I wish to be accorded the privilege of asking this gentleman and others some questions.

The CHAIRMAN. Oh, yes. State for the record what your business is.

Capt. MICHEL. Pilot.

The CHAIRMAN. And what is your official relation to the pilots' association?

Capt. MICHEL. I am president of the American Pilots' Association.

The CHAIRMAN. Proceed.

Capt. MICHEL. You speak of a motor car pulling another car behind it on a track and say with a pilot on the barge it would be just as useless as would be a motorman on that car. In case that that car had no brakes and there was no possible way of checking her headway or momentum, wouldn't she run into that motor car ahead if the car had to stop suddenly; wouldn't she continue on if she had no brakes?

Mr. LONG. I would imagine, if there was any great difference in length between the cars—I simply used that, however, by way of

illustration—that she would run into the car in front. But I do not now understand, and never have understood, that there were any brakes on a barge.

Capt. MICHEL. No; that is what I want to bring out, that there is nothing to stop or check the headway of the barge.

Mr. LONG. No.

Capt. MICHEL. Suppose she had two or three or four cars, and they were some distance apart on this track, and they rushed down the track while the motor car had stopped, would there be any danger to the car or to anything ahead of the car?

Mr. LONG. I should imagine there would. But I do not see how the pilot on the barge could prevent a collision.

Capt. MICHEL. That is what I wanted to bring out. I just wanted to ask you that question.

Mr. LONG. Yes, sir.

Mr. HARDY. In other words, you do not see how a pilot could stop it any quicker than a seaman.

Mr. LONG. No, sir; I do not see how he could brake it any quicker than anyone else.

Mr. EDMONDS. You do not have this charge in the State of Virginia at all, do you?

Mr. LONG. No, sir; we do not.

Mr. EDMONDS. And you do not have any trouble there, do you?

Mr. LONG. No, sir.

Mr. EDMONDS. The boats do not run into each other?

Mr. LONG. No, sir; not that I have ever heard of. I want to qualify those answers "to my own knowledge," of course. I have never heard of any collision of that kind in Virginia.

The CHAIRMAN. Since the compulsory pilotage law in Virginia has been repealed, have there, to your knowledge, been any cases where injury has resulted or the navigation of the waters has been less safe than formerly?

Mr. LONG. I have never heard it was, and am certain it is not less safe in Virginia than it is where compulsory pilotage exists.

Mr. EDMONDS. You never heard any of the people around Norfolk demanding compulsory pilotage to be restored?

Mr. LONG. No, sir; I never heard any such demand as that. On the contrary, I have heard numberless expressions of pleasure since it has been abolished.

And another thing that strikes the Norfolk Chamber of Commerce about the matter as most unusual is that the tugboat drawing these barges is not compelled to have a pilot under the present act; that there seems to be no reason why the tug should have been exempted and the barges in the tow of that tug compelled to have a pilot. Of course, that contradiction is apparent to every one.

STATEMENT OF MR. JOHN W. OAST, ATTORNEY AT LAW, OF NORFOLK, VA.

Mr. OAST. In answer to the question of Mr. Byrnes as to how many people there were at the chamber of commerce meeting of the board of directors at the time they considered the indorsement of this bill, I did not count them, but I can only say fairly that there was quite a large meeting, and I should judge at least 17 or 18 of the directors were present.

The CHAIRMAN. How many members of the chamber of commerce—is it a chamber of commerce or board of trade?

Mr. OAST. A chamber of commerce.

The CHAIRMAN. How many members have you?

Mr. OAST. I can not answer that question. Perhaps my friend Mr. Long could answer it.

Mr. LONG. We have over 1,000 members. But this was a directors' meeting to which Mr. Oast refers.

The CHAIRMAN. How many members are there of the board of directors?

Mr. LONG. I do not know exactly the membership of the board of directors, Mr. Chairman.

Mr. BYRNES. Mr. Oast, were you present?

Mr. OAST. Yes, sir.

Mr. BYRNES. You are a director?

Mr. OAST. No, sir; I was there and explained the purpose of the bill. I went there for the purpose of explaining it to them.

Mr. BYRNES. Was there anyone opposed to the bill when you were explaining it?

Mr. OAST. There were quite a number of questions asked and they deferred action on the matter until several days later; and I understand it was referred to a committee. And the resolution that I offered was not indorsed, but a briefer resolution was indorsed.

Mr. BYRNES. You simply appeared to represent the proponents of the bill?

Mr. OAST. Precisely; yes, sir.

Mr. BYRNES. You do not know what hearing was given to those opposed to it?

Mr. OAST. There was no hearing given the pilots on the occasion at which I explained the matter.

Mr. SMALL. Mr. Chairman, I do not think there is anything more to be offered by the proponents of the bill at this time.

The CHAIRMAN. I would like you to get your case in, because we may continue the hearings until some time in the week beginning the 21st, so as to give the pilots a chance to be heard.

Mr. HARDY. I would like to ask Mr. Small a question along the line I asked a moment ago.

Mr. Small, this bill provides for the abolishment of compulsory pilotage charges against barges in tow. Do you know of any reason why that same charge should not be abolished as to schooners that are being towed by tugboats with pilots on board?

Mr. SMALL. In reply to that, I may say that—I am simply speaking as a layman—I do not know of any difference. It may be that some difference might arise growing out of the fact that the schooner is dependent upon the whims of sails for propulsion while the barge is in tow of a tug.

The CHAIRMAN. I do not think you understand the question.

Mr. HARDY. I said while the schooner was in tow of a tug.

Mr. SMALL. Oh, I beg your pardon. I know of no difference.

Mr. HARDY. As a matter of fact, the schooner would be more closely towed than the barges—would it, or would it not?

Mr. SMALL. I can not conceive of any difference of a barge in tow of a tug and a schooner in tow of a tug.

Mr. HARDY. Would you have any objection to an amendment in line 11, "nor shall any pilotage charges be levied by any such authority upon any steamer piloted as provided by this title, nor upon any barge or other vessel in tow of such a steam vessel?"

Mr. SMALL. Answering frankly, I would prefer that the bill be not amended to include schooners in tow; not because of any lack of merit in the amendment, but because this bill exempting barges in tow of tugs has arisen out of an urgent necessity. And any amendment which would tend to aggravate or increase opposition to this bill, or to delay it, would to that extent minimize the purposes which we have in view.

Mr. HARDY. Let me ask you, is not that rather a one-sided and self-interested view to take of it? As a matter of fact, are not the men who are likely to suffer from this discrimination in favor of the barges as against the schooners the small men, while the barge owners are the big men, generally speaking?

Mr. SMALL. I can not say as to that. I know this, that the contention has always been made in favor of barge transportation that it would be impossible to monopolize it because a barge can be built for comparatively a few thousand dollars; while these large coastwise steamers, a few of which there are plying between ports south of Hatteras and ports north of Hatteras, cost many, many thousands of dollars—several hundred thousand.

Mr. HARDY. I am talking about the schooners.

Mr. SMALL. We expect and we think the conditions will justify the expectation that there will be no such thing as this barge traffic being controlled by one or a few large companies, but that there will be many barges owned by individuals of limited means, or an association of individuals, which barges will enter into the traffic and will be towed by tugs under different ownerships. There will be no difficulty, for instance, in a tow of three barges, two of which may be owned by the company which owns the tug and one may be owned by another company, or all the barges may be owned under different ownerships.

Mr. HARDY. But you can readily see that to exempt these barges from pilotage charges and to let that charge remain on the schooner would be almost a death blow to the schooner.

The CHAIRMAN. They have gotten their death blow now.

Mr. HARDY. Probably they have anyhow; but this will probably just kill them a little quicker.

Mr. SMALL. As I say, I can not conceive of any difference in the schooner in tow and the barge in tow of the tug.

Mr. HARDY. The truth of the proposition is that they are not needed, and therefore it is unjust and an unrighteous charge against them.

Mr. SMALL. That is the proposition.

Mr. SAUNDERS. There is not any difference in principle?

Mr. SMALL. No, sir.

Mr. SAUNDERS. To grant the barge the exemption and to enforce it against the schooner?

Mr. SMALL. My only suggestion is that it may delay the bill.

Mr. CURRY. Why should a schooner which has a captain who is a pilot be required to take a pilot aboard? Do you know of any reason?

Mr. SMALL. I do not. The query comes to my mind at this moment whether the navigators or pilots of schooners come under the steamboat-inspection law as to steamers.

Mr. OAST. The barges are under the steamboat-inspection laws, and the schooners up to 700 tons are not.

Mr. CURRY. That has nothing to do with the proposition of pilots. The schooner has to be in command of a captain. My question is why should the schooner, which has a captain who is also a pilot, take a pilot aboard?

Mr. SMALL. You mean a Government licensed pilot?

Mr. CURRY. Yes.

Mr. SMALL. And what I asked was whether the schooner was required to have a Government licensed pilot.

Mr. OAST. Only those above 700 tons.

Mr. CURRY. They do not have to, but a great many of them do have. A great many of the ports on the Atlantic coast have exempted coastwise ships where they have a captain who is a Government licensed pilot. There is no such a thing on the Pacific coast and on the north Atlantic coast. There are, however, a few States where they have compulsory pilotage required. Now, why should a schooner, whose captain is also a pilot and has pilot papers for those different ports of entry, be required to take a pilot and pay the pilot so much; do you know of any reason?

Mr. SMALL. I know of none. The truth of the matter is, expressing my own opinion, that we have reached that period in our waterborne coastwise commerce where all compulsory pilotage on coastwise shipping ought to be abolished.

Mr. CURRY. It is on the Pacific coast.

Mr. SMALL. It is in every State on the Atlantic coast from Virginia north, including Virginia. It is demanded by the conditions. If the Government through the War Department has spent hundreds of thousands of dollars, and in some cases millions of dollars, to improve the entrances to our ports, and if the Coast and Geodetic Survey here, whose business it is to examine at frequent intervals the entrances to all our ports, and to publish charts and to change their charts as the conditions of the channels are changed, for which we appropriate hundreds of thousands of dollars, and if the Lighthouse Service, whose business it is to mark those channels with day beacons and with lighted beacons at night—I say if after all that the navigation and entrance to those ports is dependent upon the knowledge of the local pilot for our coastwise shipping, we have spent our money for naught.

Mr. BYRNES. May I ask you this question: Speaking of channels and the amount of money spent upon them, how do the channels of the ports along the South Atlantic coast in the States where this compulsory pilotage prevails compare with the channels of the ports on the North Atlantic coast where compulsory pilotage does not prevail?

Mr. SMALL. My information is that there are experts who can testify with a great deal more confidence; but I think it is fair to state that every port, every South Atlantic port, every port south of Hatteras on the South Atlantic coast, offers no peculiar difficulties for entrance; and that the services of the local pilot for coastwise shipping are not necessary. And I would not disparage those ports by saying otherwise. Take the port of Charleston, which is the port of the gentleman's

own State of South Carolina; my information is to the effect that there is no port more easy of entrance along the whole Atlantic seaboard than that of Charleston. If you take the Coast and Geodetic Survey chart and look at it it is so open and so well marked that I would even undertake to enter myself in the daytime, given a Coast Survey chart.

Mr. BYRNES. Would you undertake to enter the port of New Orleans, too?

Mr. SMALL. I am not familiar with that.

Mr. BYRNES. If it should happen that you could not do so, would it be wise to abolish this entirely as you suggest, or according to your belief that the time has now arrived when we might abolish them all, in view of the fact that you say you have no information as to New Orleans?

Mr. SMALL. My information as to the passes at the mouth of the Mississippi River is not sufficient to justify me in making a statement about that. But I know this, I know that Congress has appropriated hundreds of thousands of dollars for the War Department to maintain the passes at the mouth of the Mississippi, and I know there is a south pass and a southwest pass with an ample depth of water, as reported by the War Department and the Coast and Geodetic Survey, and I know that the Lighthouse Service maintains lights there; and I should think a pilot who is equipped with knowledge of the entrances to the Mississippi River, after an examination by the Steamboat-Inspection Service of the Department of Commerce, with particular reference as to his knowledge of that river, would have no difficulty in getting in and out.

The CHAIRMAN. We ought not to forget, Mr. Byrnes, that these tugs, even, coming in and out of the passes of the Mississippi River, will have aboard Government licensed pilots who are entirely familiar with the channels.

Mr. SMALL. Yes, sir.

The CHAIRMAN. The question is whether the barges there would follow the tug as complacently as they would on the Atlantic coast, or would there be more disturbance in the passes?

Mr. SMALL. There is nothing else for them to do; they could not do otherwise.

Mr. BYRNES. How wide is the channel there, do you know?

Mr. SMALL. From memory I really can not give you the figures.

Mr. BYRNES. You think for a narrow channel it would be solely a question of following the tug?

Mr. SMALL. Oh, yes.

Mr. BYRNES. Or would there be some danger of the barge getting to the side and possibly blocking the channel? I am asking for information as to whether there is a possibility of that.

Mr. SMALL. The intimation which is given by you as to dangers of navigation at the mouth of the Mississippi River, if meritorious at all, would have had application in 1871 when Congress was considering the bill to exempt all steamers having a Government licensed pilot on board from compulsory pilotage; and it can have no more application to barges in tow of a steamer or tug with the Government licensed pilot on the boat ahead. The Government licensed pilot presumably knows the channel. These two or three barges are in tow. Each one of them has nothing to do except to steer behind the steamer

and in the same course. Could the most expert pilot, with the most complete knowledge of the navigability of those two passes, the south pass and the southwest pass, do otherwise? Could he sheer to the right or to the left? Is not the danger, if any danger exists, one which affects the pilot in charge of the steamer rather than the pilot at the wheel of the barge?

The CHAIRMAN. Suppose it is a crooked channel?

Mr. SMALL. The same conditions apply; he must follow the tug.

The CHAIRMAN. He could not do it in a straight line, or else he would run ashore. He has got to keep where the channel is. For instance, suppose the tug has to go around a bend in the channel?

Mr. SMALL. Yes.

The CHAIRMAN. The barge must follow the same general course; it would not do for it to cut off the corners?

Mr. SMALL. Certainly not. The same general course has to be followed and presumably in sight of the tug.

The CHAIRMAN. Oh, yes.

Mr. SMALL. He must see the tug.

The CHAIRMAN. The Steamboat Inspection Service, under the law, has the power to limit the length of the lines and the number of the barges in tow.

Mr. SMALL. Yes.

The CHAIRMAN. And they adjust them to the different channels to be navigated, I suppose?

Mr. SMALL. They have complete authority under the existing law.

Mr. BYRNES. One of the witnesses testified the other day that the tow was quite long—one of the captains; I have forgotten his name.

Mr. HARDY. He said 600 feet in length.

Mr. BYRNES. Five or six hundred feet.

Mr. SMALL. Yes.

Mr. BYRNES. And you think with a narrow channel, for the pilot on the barge behind the tug, following the tug, there is absolutely no possibility of the barge not following the tug and by any mischance blocking the channel?

Mr. SMALL. No possibility which a State pilot could obviate.

Mr. BYRNES. No possibility which a State pilot, knowing the channel, could obviate?

Mr. SMALL. Yes.

Mr. HARDY. The question I want to ask right there is this, as to the man on the barge or on the vessel in tow: There is always somebody there, presumably with eyes, for the purpose of steering around the corners and following accurately the course of the vessel in the lead?

Mr. SMALL. Yes.

Mr. HARDY. And can a pilot do that better than anybody else who is there and has some knowledge of steering?

Mr. SMALL. I can not see how he can improve on it.

Mr. HARDY. Is a knowledge of piloting any part of that steering behind the vessel in the lead?

Mr. SMALL. Only the capacity to control the wheel in such a way as to guide the course of his barge—sufficient experience and knowledge for that.

Mr. BYRNES. Have you ever tried to steer a barge yourself?

Mr. SMALL. Not sufficiently long to be able to testify about it. But I happen to have been reared on the water and have lived on the water for a good many years.

Mr. BYRNES. We are all asking you questions as though you are an expert, and I should not have done so myself.

Mr. SAUNDERS. Having in mind the possibilities suggested by the questions of Mr. Byrnes, as a matter of fact, if having the pilots go on board of these barges in tow would obviate that, you would have to have a pilot actually on each one of those barges in tow. And I understand the trouble here is that they present the bills and do not go on board, and that the barges have to pay for them.

Mr. SMALL. I do not know whether you were present during the entire period at the last hearing or not, but there was evidence at the last hearing to the effect that prior to the time that this agitation began for legislation by Congress to repeal this law to exempt barges in tow from compulsory pilotage, that only occasionally did the pilots go on board the barges, but that since this agitation began they have been doing it more regularly.

Mr. SAUNDERS. With three barges do they have a pilot on each barge? If these difficulties which are suggested are real, they could only be obviated by having a pilot on each barge. Do you know of any case in which they have done that?

Mr. SMALL. My recollection is that the testimony of the masters and the pilots of the barges and the tugs, at the last hearing, was to the effect that at no time had a pilot proposed to go on each barge in tow, and generally, prior to this agitation, they did not go on any one of the barges.

Mr. SAUNDERS. Then if these suggested dangers are real, by having a pilot on the front barge it would not protect the two rear barges at all from these troubles?

Mr. SMALL. Not at all.

Mr. SAUNDERS. And having a pilot on the second barge would not keep the third barge from trouble, but you would have to have a pilot on each one of the barges?

Mr. SMALL. Most assuredly.

Mr. SAUNDERS. In order to keep these barges out of trouble?

Mr. SMALL. Most assuredly.

The CHAIRMAN. I have a letter here from some parties in North Carolina. I will refer it to you, Mr. Small. You may wish to introduce it.

Mr. EDMONDS. I would like to ask Mr. Small a question: There is nothing in your bill which prevents a boat from taking on a pilot if they want one?

Mr. SMALL. Absolutely nothing, if they feel it is necessary.

Mr. EDMONDS. These men have considerable property at stake, and if they were going into one of those bad channels they would naturally take on a pilot, would they not?

Mr. SMALL. Certainly.

Mr. EDMONDS. That would be at their option?

Mr. SMALL. It would be at their option.

Mr. EDMONDS. And if they were going through a very dangerous and tortuous channel they would take on the pilot?

Mr. SMALL. Undoubtedly they would.

Mr. EDMONDS. Rather than risk two or three hundred thousand dollars worth of property.

Mr. SMALL. It is compulsion only to which they object; I do not know why any are necessary, but if they are necessary for these barges they would, of course, take them.

Mr. EDMONDS. They would not, foolishly, for the sake of saving \$25 risk \$300,000 worth of freight?

Mr. SMALL. No, sir.

Mr. RODENBERG. And there would probably be enough available for that purpose?

Mr. SMALL. There would probably be enough around at all times.

Mr. Chairman, it was my understanding that those opposed to this bill would submit evidence to-day, if there is any opposition; and that the proponents of the bill would then introduce evidence in rebuttal, if they saw proper to do so.

The CHAIRMAN. Yes.

Mr. SMALL. In regard to this letter, there are one or two personal references here, but that is not a matter in which I am concerned, and I suggest that the letter go into the hearing.

Capt. MICHEL. Mr. Chairman, may I ask the gentleman a question?

The CHAIRMAN. Yes.

Capt. MICHEL. Mr. Small, you were asked the question as to whether it would be fair to put these barges in competition with sailing vessels and to put the sailing vessel out of business. These barges would be in competition with the sailing vessel; is not that correct?

Mr. HARDY. Make that question a little plainer, please.

Capt. MICHEL. You asked the gentleman if it would not be fair to have the same thing applied to the barge as to the sailing vessel under the same conditions. Is not that it?

Mr. HARDY. Yes.

Capt. MICHEL. And Mr. Small stated frankly that that might be the case. Would it not also be unfair that these barges, having no Government pilot on board, should be placed in competition with our first-class merchant steamer, which is required to carry every licensed officer on board, properly equipped? Would it be fair to put them in competition with such vessels as these?

Mr. SMALL. I am not sure I understand the question of Capt. Michel in its entirety. I will have to answer as I do understand it. In the first place, I do not know whether the barge traffic and the schooner traffic may be considered as equal competitors. Of course, in so far as the barges carry traffic between the northern and southern ports they would come in competition with schooners sailing outside engaged in traffic between the same ports.

I have no disposition to do anything unfair to the schooners; in fact, I think that when this matter was up some years ago I made a talk for the then pilotage bill and voted for it. The only point I wished to make clear was that the need for the exemption of barges in tow of tugs from compulsory pilotage is so urgent for the relief of the barge traffic, which is in its infancy, and which promises great development, that I would be loath to see it handicapped by any amendment which would increase the opposition. And my suggestion along that line is not intended in the slightest to depreciate the coastwise traffic by schooners.

Now, as to Capt. Michel's question as to whether coastwise schooners equipped with Government licensed pilots and all the other equipment deemed necessary for safe navigation should be put upon a parity with steamers, I do not know that I can answer that question. The question we were considering a moment ago was whether schooners entering ports and departing from ports in tow of tugs should be differentiated from barges in tow of tugs going in and out of harbors, and I said I thought not.

The CHAIRMAN. That just suggests another thought of possible opposition to the bill, and it might be pertinent at this time to read the letter that I handed to the stenographer. It is from Mr. Robert A. Parsley, and reads as follows:

HILTON LUMBER CO.,
Wilmington, N. C., February 5, 1916.

Hon. J. W. ALEXANDER,
*Chairman Committee on the Merchant Marine and Fisheries,
House of Representatives, Washington, D. C.*

DEAR SIR: I expected to be present at the hearing on the Small pilotage bill on Tuesday next, and speak in support of the bill, but some matters here will prevent my attendance.

I sincerely trust that you and your committee will not only report this measure favorably, but will actively insist upon its early passage by the Congress.

Coastwise commerce has been burdened with this totally unnecessary pilotage in our Southern ports for years, and Congress should no longer permit this unfair discrimination against coasting schooners and barges, the latter in particular. When these vessels are in tow of tugs, carrying United States licensed pilots, they have no more need for a local pilot than I would have for a Washington guide to take me from Hotel Raleigh to the Capitol. It is an outrage that this tribute has been levied so long by the Southern States, mainly upon the strength of arguments used in the State legislatures, such as "the Yankees own all these ships, and we should make them cough up something snug for our pilots," and similar absurdities, supported by an always strong pilot lobby.

The commercial interests here want this outrage stopped effectually by Congress. There a few interests here, of course, who will oppose the Small bill, but you will be able to quickly sum them up to three special interests, to wit: The pilots, who quite naturally oppose it; coastwise steamship interests, quite naturally; foreign steamship interests or their agents (like Alex. Sprunt & Sons, or Mr. James Sprunt), who fear they might be called upon to pay a little more pilotage on their deep-draft ships to support a pilotage service which the foreign ships alone use voluntarily, and who should, after all, support such pilotage service as may be necessary.

Many of us who have worked hard in the interest of harbors and for the intra-coastal canal or waterway are discouraged to feel that a handfull of special interests are constantly at work in their efforts to defeat the benefits that should accrue from these expenditures of good Government money.

Yours, very truly,

R. A. PARSELEY.

Capt. Michel's question there suggested why should a barge or steamer come in competition with a steamship. I will just repeat the question and ask you to state why the commercial interests of the country should be subservient to the special interests of any concern?

Mr. SMALL. I think the question of the chairman is an answer entirely to the suggestion.

The CHAIRMAN. The only reason that the steamship companies were exempted from compulsory pilotage in 1871 and not the schooners, I expect, was because they had more political power.

Capt. MICHEL. Mr. Chairman, what I wanted to bring out was: Will these cheaply built barges compete in the coastwise trade with the steamers now engaged in that trade?

The CHAIRMAN. Suppose they do?

Capt. MICHEL. I wanted to further bring out the fact that these barges have no licensed officers. I intended to explain later the dangers of these barges, and I intended to ask Mr. Small another question relative to rounding the bends or points in the river.

The CHAIRMAN. Yes. I suppose the only occasion for a pilot is in the interest of safe navigation, is it not?

Mr. SMALL. Certainly.

Capt. MICHEL. The pilots on the barges are receiving no revenue from the barges to amount to anything. The pilots are paying a premium to get on the barges.

The CHAIRMAN. You may ask Mr. Small any questions, of course, Captain.

Capt. MICHEL. A barge is astern of a vessel, a large vessel, and suppose she is 400 feet long and she rounds a point, say, and has to put the helm hard aport, and naturally when she does that that brings the barge rope on the quarters on an angle of 30°. Will that prevent the vessel astern from coming up in the proper channel?

Mr. SMALL. To what channel have you reference?

Capt. MICHEL. Any channel. This bill is a general bill, and its purpose is to regulate pilotage in four or five ports. I simply wanted to know if you are aware that the steamer at her extreme end, with her helm hard aport, operated in a narrow channel, a shoal channel, would not be affected by this rope pulling across her stern.

Mr. SMALL. Mr. Chairman, in answer to that I may have an opinion, but I doubt whether I could qualify as an expert in matters of navigation; but I will say this, that if in opposition to this bill there is submitted any evidence as to any particular port showing that there ought to be compulsory pilotage at that port by reason of the special conditions of the channel, we will try and be prepared to meet it.

The CHAIRMAN. You said you wanted a chance to present testimony in rebuttal. Capt. Michel is here, and he said he would make a statement to-day giving the committee and the proponents of this bill an outline of the reasons why the pilots oppose this bill. It is now 20 minutes past 11, and we will be very glad to hear Capt. Michel now.

Capt. MICHEL. Before Mr. Small goes and for the benefit of the committee, I would suggest that he be invited to have some experts appear before this committee. I question the unerring ability of the gentlemen who have appeared so far. There is one tugboat master who is in the employ, as I understand, of the transportation company; and I am sure what this committee wants to know is whether it is safe to life and property to exempt these barges.

The CHAIRMAN. We will hear from you now, captain, on that question.

**STATEMENT OF CAPT. BEN MICHEL, OF NEW ORLEANS, LA.,
PRESIDENT OF THE AMERICAN PILOTS' ASSOCIATION.**

Mr. EDMONDS. Before the captain begins, I would like to know whether he is actively engaged in business, or exactly what his position is.

Mr. HARDY. He stated that just now.

Mr. EDMONDS. He stated he was president of the American Pilots' Association. But if he is not actively engaged, I would like to know or how long he has not been engaged in active business.

Capt. MICHEL. For your benefit, sir, I will say that I am the general superintendent of the Associated Branch Pilots of New Orleans. When I leave there I appoint a deputy superintendent.

The CHAIRMAN. Are you their legislative representative here in Washington?

Capt. MICHEL. I am required to have a station or at least an office in this city for the purpose of familiarizing the pilots of the different ports as to what suggestions are made to Congress for the changing of the pilot laws. The pilots of the country should be understood as not wishing any compulsory pilotage in canals or any inland waters. And, further, as representing one organization, I am not in favor of compulsory pilotage anywhere the law in the State does not require them to keep an equipment.

The CHAIRMAN. This association which you represent; where do they exist or in what States are they organized? Where are these organizations?

Capt. MICHEL. The American Pilots' Association is for the purpose of the upbuilding of the system—

The CHAIRMAN. Where are these associations?

Capt. MICHEL. In the various States. The South Carolina pilots do not belong to this organization. And I wish to say, gentlemen, that it has been suggested—

The CHAIRMAN. Do the pilots in any States belong to this organization other than the States in which the States now have compulsory pilotage; in other words, other than South Carolina, Georgia, Florida, Alabama, Louisiana, and possibly Mississippi?

Capt. MICHEL. The pilots of the principal ports of the United States belong to this organization; for instance, in New York, and in all of these ports that exempt these coastwise vessels. I understand that the conditions in some of the ports are such that the States have met that condition and, when it was possible to exempt all American vessels, they have done so.

Mr. BYRNES. Captain, what the chairman asked you is—and I would like to know, too—the membership of your association. Does it come from one or two States or a number of States; and, if so, what States?

Capt. MICHEL. It comes from all of the States having seaports, excepting North Carolina.

The CHAIRMAN. From New York?

Capt. MICHEL. Yes, sir; all of the States. I had a memorandum here of it.

The CHAIRMAN. Proceed.

Mr. EDMONDS. Might we have the captain's experience too, Mr. Chairman?

Capt. MICHEL. All I want is fair play. If I am not able to convince these gentlemen that the pilots are right in their contention, it will be our fault.

Mr. EDMONDS. You are going to give us expert testimony and of course I am asking you for your experience. You are a pilot?

Capt. MICHEL. Yes, sir.

Mr. EDMONDS. How long since you have been a pilot?

Capt. MICHEL. Thirty-seven years, I think.

Mr. EDMONDS. How long since you have been actively a pilot?

Capt. MICHEL. I am actively a pilot now. Just a short time ago I took one of the fruit steamers out of the South Pass wishing to go from one station to another. I did not have to.

Mr. EDMONDS. You should let us know, then, that you are an expert pilot and that you are going to talk to us as an expert pilot.

Capt. MICHEL. I want to say, gentlemen, that we try to prevent Federal legislation. It is because any general act might be adequate in one port and inadequate in another. And that is what we propose to show. And I wish to say, before I begin, that I have made every effort to adjust this. When I first saw the resolution introduced in Savannah, I wrote a circular letter to every port in the country, asking their opinion about it and I sent for one of the pilots who had appeared at that convention—Capt. Spencer. He came here and explained conditions. It is my duty, at the different ports, when there are any changed conditions to make recommendations to meet those as soon as possible for the safety of the respective ports.

I wish to say further that we have been accused of having a lobby here. I never was a lobbyist. This is the first time in my life I have ever appeared before a committee to protect my living. And I do not think there is any gentleman here who can say that I have called upon him to influence his vote.

The CHAIRMAN. As a matter of fact, I never knew the captain until after this legislation came up, and only in the last week or two.

Capt. MICHEL. Yes, sir; but I had the pleasure of meeting you some time last year. I believe that the Members of Congress and the members of the legislatures should visit the localities, and I had induced my association to permit me to invite some of the members of this committee to visit the port of New Orleans. I was especially anxious to have Mr. Saunders there, because I believe he is fair in all matters. I have met some of his people. And I invited you, as chairman of the committee, and Mr. Saunders, and the chairman of the Rivers and Harbors Committee, and I had the support and indorsement of the governor of Louisiana and the mayor and of the Louisiana delegation that they would meet you gentlemen down there as plain citizens. We understood that you had been worked pretty hard in Congress here, and we did not want you to come down there and expect any formalities. And the best way for a man to learn conditions is to let him see them with his own eyes. In connection with this I would say that the governor of Louisiana, Gov. Hurd, expressed at a banquet the idea that the pilots were a close corporation. I heard of it, and I invited him to the mouth of the river, together with as many State officials as we could accommodate. He came and remained five days and he witnessed the conditions, and he went back and told his friends throughout the State that he was sorry, and what a mistake it was to form an opinion before knowing the conditions, and he also made that statement in the press.

The CHAIRMAN. To make it clear, I believe I have some recollection now about an invitation being extended to me—and did you say to Mr. Saunders, of Virginia—to come to New Orleans?

Capt. MICHEL. Yes, sir.

The CHAIRMAN. I did not go, I recall.

Mr. RODENBERG. Did you not mean Mr. Sparkman?

Capt. MICHEL. No; I meant Mr. Alexander and Mr. Sparkman too. I thought it would be nice and proper to invite the chairman of the Rivers and Harbors Committee.

The CHAIRMAN. I say, I did not go; but I thought you said Judge Saunders?

Capt. MICHEL. I invited Mr. Saunders; yes, sir; and Mr. Greene; and it was for the purpose of having them get a picture for themselves as to the conditions that existed there.

The CHAIRMAN. It was not because of any disinclination on my part, but just because I had many other important matters which were occupying all of my time.

Capt. MICHEL. As I have stated, gentlemen, I have invited these pilots to try and adjust conditions. As I understand it, this barge traffic is in its infancy and there is an attempt here to ride this thing through to help the Southern Transportation Co. There are a few rocks in the road and they want to push them off, no matter who they fall upon. Capt. Spencer is my temporary secretary and I will ask him to read this letter, which is a copy of a letter addressed to Capt. Igoe.

Capt. SPENCER. Mr. Chairman, with your permission I will proceed [reading]:

WASHINGTON, D. C., December 15, 1915.

Capt. J. J. IGOE, *Charleston, S. C.*

MY DEAR CAPTAIN: Your letter came duly to hand and contents noted. I will send you a Congressional Directory in a few days. I am promised a few of the first issue. They contain the names of all the Members. Nothing will be done with the Small pilot bill until after the 15th of January, 1916. I am doing all I can to prevent the attack. There is a great cry of abuse against the ports that are exacting pilotage from light-draft barges, and especially those without cargo. This will be hard to overcome. Some of our friends will not be convinced that the charge is proper. I believe that if those ports complained of were to make some reasonable concession we would have no trouble in Congress this session.

I wish you and your associates a joyous Christmas, and that the New Year will bring you all renewed prosperity and happiness. I am,

Sincerely, your friend,

Capt. MICHEL. That was after I sent the circular letters.

Mr. HARDY. Will you let me interrupt you there? You made a statement at the beginning which I did not quite catch. You said that this association is not in favor of compulsory pilotage anywhere where the laws of the State did something, and I did not understand what that was.

Capt. MICHEL. Where the pilots are not required to retain a pilotage equipment.

Mr. HARDY. You mean you are not in favor of compulsory pilotage where the State—

Capt. MICHEL. On inland waters, sir. Where a man walked aboard of the barge that happened to be going down a canal and exacted pilotage from her, and gives no service, I do not think that ought to be allowed.

Mr. HARDY. Then your position is that you simply do not want compulsory pilotage on inland waterways?

Capt. MICHEL. On inland waterways; no, sir. I tried to make that plain. I am in favor of compulsory pilotage when it is on the high seas. I do not believe, from the information that I received from our attorney many, many years ago, some 20 years ago, that

under the favored foreign-treaty clause any pilotage could be collected on inland waters.

Mr. HARDY. Can you give the reason why some of the States, and the majority of them, do not need pilots on barges and schooners and others do?

Capt. MICHEL. There is no State, no bar, no seaport, that should not take a pilot.

Mr. HARDY. Should they have compulsory pilotage on schooners?

Capt. MICHEL. Yes, sir. And I will be able to show that it would be possible to ask Congress to amend section 4444, and that they would willingly do it on account of the enormous size of the vessels.

Mr. HARDY. Your position, in substance then, is that the law which exempts steam vessels having a United States pilot on board, is wrong?

Capt. MICHEL. Yes, sir.

Mr. HARDY. And that instead of putting schooners in the class with steamers, the steamers ought to be put back in the class of schooners and compulsory pilotage required on them, too?

Capt. MICHEL. That is my opinion. And I will explain why.

The CHAIRMAN. I do not believe Judge Hardy wishes to create the impression that the steamer is not required to have a Government licensed pilot on board, because they do; but where they have a pilot on board with a Government license they are not required to have a local pilot.

Mr. HARDY. I understand you think whether they have a Government pilot on board or not, each steamer ought to be required to have a local pilot?

Capt. MICHEL. Yes, sir.

Mr. SMALL. A local State pilot?

Mr. HARDY. A local State pilot.

Capt. MICHEL. And the reason for that is getting more apparent every day with the increase in the size of ships. I wish to say, gentlemen, by this letter that I endeavored to secure concessions and have been successful.

Capt. SPENCER. This is a letter, dated Savannah, Ga., January 26, 1916 [reading]:

Capt. BEN MICHEL, *Washington, D. C.*

DEAR CAPTAIN: I called at your office in Washington one day last week and learned that you were down on the Gulf, much to my regret, as I had hoped to talk with you in regard to the barge question along the South Atlantic coast.

I also called at Mr. Small's office, but did not see him, as he was quite busy elsewhere when I called.

I have gone over this barge matter very thoroughly with the representatives of the various ports and find that the outlook for a reasonable solution of the matter can be worked out nicely.

I learn that the Southern Transportation Co. some time ago submitted a proposition to the Cape Fear pilots whereby their barges were to be piloted over this bar when loaded and to be exempted when light. This was agreed to on the part of the Cape Fear pilots, and will likewise be agreeable to the pilots at Charleston, Savannah, Brunswick, Fernandina, Jacksonville, and also at Beaufort, S. C. It is also agreed that the pilots at each of these ports will waive all pilotage on vessels using the inside route. The pilots of Beaufort, S. C., have recently had some contention in regard to the collection of pilotage on the barge *Monocacy* for services rendered by them on the inside route, but I am pleased to say that I have talked with them on this matter and they have assured me that such claims will not be pressed and that vessels trading on the inside route will not be charged any pilotage.

In view of the fact that the Southern Transportation people have submitted a proposition that will be acceptable to all of the ports above named it seems to me that

everything will shape out all right. I am advised that this plan is working out in satisfactory manner at Wilmington and see no reason why it will not prove the same at the other ports.

Trusting that you are shipshape and with kind personal regards, I beg to remain,
Sincerely, yours,

FRANK W. SPENCER.

P. S.—I failed to state that the practice in vogue at Beaufort, N. C., whereby the pilots at this point have been collecting fees merely by hailing vessels will be abolished by State legislation.

F. W. S.

Capt. MICHEL. That will show clearly that I have done my utmost to meet the changed conditions that existed at those particular ports, without ruining the other ports, and especially the port of New Orleans. That was submitted to Mr. Small. Then I suggested further consideration. And I want to say that the pilots of the country, in connection with these barges, are giving their services free in many cases, so as to keep them out of the way of the big steamers. And in connection with that I would say that some years ago there was a dispute as to the channels in South Pass. There were soundings taken there by the pilots and the Government engineers. The Government engineers having a boat that had to go over an area of possibly 15 miles, it was impossible for them to keep the run of the channel in which the vessels go. There was some very severe criticism, and I invited the engineer to do soundings with me, and if he could show me the water he claimed I would sign a card dictated by him. I was in the ranks of the pilots at that time. I went to that gentleman, and he had the United States engineers, all of the force, and Mr. Eads's son-in-law, who was an engineer there, and some of his assistants, and we sounded. I did not sign the card. And we sounded on his boat. There was 15 inches difference in our soundings. And while I did not say anything about that, it became known somehow. Anyhow, the insurance companies heard of it and requested me to give the loading draft. The Board of Trade and Maritime Commerce of the city of New Orleans asked me to give them the depth and I refused to do it. I told them I would furnish them daily reports from the mouth of the river as to what we deemed a safe loading draft. That was agreed upon, and all vessels are now loaded to the depth recommended by me. I get the daily soundings. I have had them for three years—not exactly daily soundings, but soundings for those days on which the soundings are made. And here they are. I would be glad to show them to any gentleman of the committee [Exhibiting paper.] And we have consultations as to what the loading draft should be.

I further state that when the barges of the Standard Oil Co. first came to the city of New Orleans and went to Baton Rouge, where they established a plant, we had to cut down the loading draft of the foreign vessels, as a precaution. In the case of these tows with the barges, some of the captains were competent men and capable of handling their vessels but not capable of handling their vessel with the tow behind it; and the legislature, with the consent and approval of the shipping people, enacted a law changing it from half pilotage to full pilotage where the barges did not take pilots. Some of them came in there and did not take pilots. They drew 11 feet. I think the pilotage on 11 feet would be \$54. When they did come in, our agent drew a draft on the Standard Oil people, which

was returned, claiming that the captain of the steamer knew the channel; that he had worked for the Government and for contractors on a steamboat in the channel at the South Pass. After some fifteen letters had passed between us—and I tried in those letters to assure him that it was not a question of the pilotage, but it was a question of the safety of the channels. But this man was piqued—I think he got some extra salary for that service—and we had to cut down the loading draft for vessels 400 or 500 feet long and having about 60 feet beam, most of them, and that meant thousands of tons of cargo going foreign. The Southern Pacific to some extent was interested. They consulted me as to how deep they should load. As I say, they were piqued, but they paid us the pilotage—two or three of them; two, I think. As I say, that was intended to accomplish the safety of the channel. I wrote to the Standard Oil people—and a copy of the letter is here—requesting them to take a pilot. We were anxious on account of the channel, and that letter was never intended to reach here, because at that time I never thought of coming here.

They acquiesced in my request, sometime after that. I knew it would happen, but it could only happen after some serious accident; that they could only realize it after some serious damage had been done to that channel, or to other vessels. So I thought that thing out. I was going to suggest to some of the shipping people that there should be some remedy for that. But one of these steamers came down the river fairly deep, with a deep loaded barge. Some of those barges drew $31\frac{1}{2}$ feet—one of them drew that and several of them 30 feet. A pilot boarded her or spoke the steamer, and was told to go aboard of the barge. He went on board of the barge. Those barges are splendidly equipped with steam and the pilot of the barge will blow a whistle to direct the steamer. This pilot did that; he blew the whistle to port, and no attention was paid to it. The pilot realizing what was going to happen, ported his helm, directed the man forward to let go of the hawser, and in less than a minute the steamer piled up. Now the steamer and tow were going 7 or 8 miles an hour with a current of 5 miles an hour. If the man on the barge had followed the steamer, both vessels would have been sunk, and the port of New Orleans ruined for a while.

After that, without any solicitation or suggestion from me, the Standard Oil people sent a man to New Orleans for several purposes, and among them to see me and to effect, if possible, some plan by which these steamers would also be provided with a pilot. And they are now paying pilotage when they do not take a barge. If they go out light, they pay us \$54 pilotage of their own volition. And we sacrificed that pilotage that we could have collected for the benefit of the port and the State which we live in. And to change that, to destroy that State, for some imaginary abuse in the other States would be an outrage. And I do not believe that you gentlemen are going to permit it.

In order to show some of the conditions at the mouth of the river these documents are very interesting.

Mr. CURRY. Before you go into that, I would like to ask one or two questions. You say it was a private arrangement between you and the Standard Oil Co.?

Capt. MICHEL. Yes, sir.

Mr. CURRY. Suppose this bill were to pass and should become a law, how would that affect any private arrangement between you and the Standard Oil Co. if they wanted a pilot?

Capt. MICHEL. I really do not believe that that would obtain. I do not think that any change would take place with those vessels. But I do know this, that they learned that by experience. And many other vessels trading there have a hired man on some of these tugs with his Government license who would have to say that he knew that port, and I am liberal enough to believe that they thought they knew that port.

Mr. CURRY. Would they say they knew the port, or would they have to pass an examination to prove they knew the port?

Capt. MICHEL. They would pass an examination by the Government steamboat inspectors, one of them the inspector of hulls and the other an inspector of boilers. And, gentlemen, you might as well have house painters or artists to examine lawyers and doctors as to have a carpenter and boiler maker inspect pilots.

Mr. SAUNDERS. Does that mean the Government pilots' examination does not really mean anything; that is, does not qualify them to be pilots?

Capt. MICHEL. It does in some cases. There are men of excellent qualifications employed on steamers. These vessels are required, under the law, as part of their equipment, to carry a Government pilot. In some instances where the captain has the license he is wholly competent to navigate the vessel, if everything is clear. But where a man serves, for instance, on our pilot boats, where we have an equipment that could not be duplicated for \$250,000, and that costs between \$5,000 and \$6,000 a month to run it; and that does not include the wear and tear and annual repairs—

Mr. SAUNDERS. What I was getting at is, then, this Government license does not indicate efficiency and competency on the part of the people who hold it, necessarily?

Capt. MICHEL. In many cases it does.

Mr. SAUNDERS. I say it does not necessarily, in all instances?

Capt. MICHEL. No, sir.

Mr. SAUNDERS. Of course an examination ought to mean something to anybody who takes it.

Capt. MICHEL. Yes, sir.

Mr. CURRY. Can you tell me where the inspectors of hulls are recruited from; what their qualifications are, and what experience they have had?

Capt. MICHEL. I remember a man who has been United States local inspector at the port of New Orleans who was a carpenter; a very excellent man.

Mr. CURRY. A man who had never been to sea?

Capt. MICHEL. Who had never been to sea.

Mr. CURRY. How long ago was he appointed?

Capt. MICHEL. He was appointed possibly 25 years ago—or 20 years ago.

Mr. CURRY. Is it possible for such a man to be appointed as inspector of hulls and boilers now?

Capt. MICHEL. I will say this, that the Government is using the utmost care in selecting those men.

Mr. CURRY. Is not an inspector of boilers necessarily a marine engineer, and does he not have to have experience before he can take the examination?

Capt. MICHEL. Either that or a boiler maker.

Mr. CURRY. We do not want to be fooled; we want you to tell us the truth.

Capt. MICHEL. Yes, sir.

Mr. CURRY. Does not an inspector of hulls have to have experience at sea now?

Capt. MICHEL. At sea?

Mr. CURRY. Yes.

Capt. MICHEL. No, sir.

Mr. CURRY. All right.

Capt. MICHEL. I will state this man lived in Algiers, La. He was foreman and manager of a dock there. He was a most excellent man. And I will say that most all of the local inspectors of the different States that I have met are most excellent men.

Mr. CURRY. Are they not qualified for their positions?

Capt. MICHEL. Not for inspecting local pilots. The Government pilot is really a technical pilot, and I will explain why that is.

Mr. CURRY. They do not inspect local pilots; they are inspected by the local board of pilots, are they not?

Capt. MICHEL. Yes, sir.

Mr. CURRY. If a man wants to have a pilot's certificate for New Orleans, he has to be inspected by your board down there before a pilot's certificate is issued?

Capt. MICHEL. By the board at New Orleans.

Mr. CURRY. Certainly. The inspector of hulls and boilers has nothing to do with giving him a certificate as a pilot for the port of New Orleans, has he?

Capt. MICHEL. No.

Mr. CURRY. That is all there is to it, then?

Capt. MICHEL. In some instances pilots hold both; I have both.

Mr. CURRY. Of course they do. They ought to hold both.

Capt. MICHEL. The apprentices in the pilot service are required, when they become of age, to secure that license.

Mr. CURRY. The captain of a steamer leaving New York for New Orleans, and who wants to have papers for New Orleans, goes to the New Orleans pilots, does he not?

Capt. MICHEL. No, sir; he goes to one port or the other.

Mr. CURRY. He has to be examined as to his qualifications by the pilot's association, does he not?

Capt. MICHEL. You mean the inspectors?

Mr. CURRY. No; I mean the pilot. He has to pass an examination as a pilot to enter and leave the port of New Orleans?

Capt. MICHEL. A State pilot; yes.

Mr. CURRY. Certainly.

Mr. BYRNES. You mean to say, now, that a man, what we call here a Government pilot, who leaves New York on board of the vesse which he intends to take into New Orleans, before he leaves New York is examined as to the harbor at New Orleans?

Capt. MICHEL. They communicate in some instances with the office located in the city of New Orleans.

Mr. BYRNES. Who communicates?

Capt. MICHEL. The inspectors in New York. And they indorse him for New Orleans.

Mr. BYRNES. The inspectors indorse this captain?

Capt. MICHEL. Indorse that captain—the inspectors at the other end.

Mr. BYRNES. He does not permit him to clear for New Orleans, you mean, until he is satisfied he knows that harbor; is that it?

Capt. MICHEL. Not if he intends to take the vessel in himself.

Mr. BYRNES. That is what I mean. Then he has to satisfy them in New York whether he is going in by himself or not?

Capt. MICHEL. A Government pilot in the coastwise trade is granted a license for the entire coast.

Mr. BYRNES. And that entitles him to go into any port?

Capt. MICHEL. Providing he has a river license or it is specified on his certificate that he is qualified to operate in that particular harbor.

Mr. BYRNES. How can he get that certificate?

Capt. MICHEL. With the indorsement of the New Orleans local inspector.

Mr. BYRNES. He has got to get that first?

Capt. MICHEL. He gets it, possibly, when he arrives at that port.

Mr. BYRNES. When he arrives there he can get it?

Capt. MICHEL. Yes, sir.

Mr. BYRNES. From whom does he get it?

Capt. MICHEL. These local inspectors.

Mr. BYRNES. He gets it from the local inspectors. Then, he could not go there until he is examined by somebody?

Capt. MICHEL. I do not know whether there is any examination or not. Maybe, possibly, at one end he has been examined, or should be, and then they indorse him for the other end.

Mr. BYRNES. Let me ask you this, provided he does get that certificate, for what length of time will that certificate enable him to enter that port? Is it only for that trip?

Capt. MICHEL. When a man is granted a license by the Government inspectors, he holds it for five years.

Mr. BYRNES. If he does not go back for three years thereafter, is there any danger of the channel having changed in such a manner as to make it dangerous for him to enter, or not?

Capt. MICHEL. It is dangerous every day—if a man leaves there for a week.

Mr. BYRNES. Your contention is that it is necessary to have the local pilot by reason of the channel changing, and the captain of a big boat that comes only once every two or three years does not know the channel?

Capt. MICHEL. Yes, sir; that is my intention to bring that out. I want to say now that I am at the head of that service and am an expert pilot and am considered so at my home port. And I would not dare go down in that channel and take a vessel out drawing more than 15 feet without having first sounded and examined the soundings and inquired as to the ranges that we put out. The law of Louisiana prohibits a pilot from leaving the stations for more than seven consecutive days without official leave of absence from the Governor.

Mr. BYRNES. You say you would not do it, but is it or is it not a fact that the Government pilots are doing it?

Capt. MICHEL. In our port?

Mr. BYRNES. Yes; in your port, without a local pilot?

Capt. MICHEL. I believe one vessel does; there were two, and one anchored the the fairway and the vessel was sunk.

Mr. BYRNES. Do you mean that every vessel that comes into New Orleans has a local pilot?

Capt. MICHEL. Yes, sir; but there are many, many of them exempt.

Mr. BYRNES. That is not required by law, but it is occasioned by necessity?

Capt. MICHEL. Yes, sir.

Mr. EDMONDS. Your State law does not require that?

Capt. MICHEL. No, sir.

Mr. EDMONDS. If the man has a Government pilot's license and he thinks he knows the port, he will go on in, providing the inspectors have agreed, of course, that he is a competent pilot for that port; but owing to the necessity, and rather than lose the ships, most of these people do employ pilots?

Capt. MICHEL. All of the people coming there, excepting one or two; and in that particular case that vessel, I think, comes from Tampa and makes a couple of trips a week. But in the case of a fog, when she has passengers aboard, knowing that the law exempts him and that his owners will not permit him to take a pilot, we go after him. He is a good man, and we steam out with our pilot boats, one of which is valued at \$75,000. And this is made necessary, this large equipment, by the conditions existing there. And we go out and advise this captain how he can get in, and very often help him. We know at the mouth of the river, for instance, it is foggy, and we blow the whistle, one to port and two to starboard and three to steady, and he finally goes in and then goes about his business.

Here is some interesting data that will impress the committee with the conditions at the mouth of the river.

Mr. HARDY. May I interrupt you there and ask if this statement that you are making now does not make it just as necessary for the steamers to have these local pilots as for the sail boats to have them?

Capt. MICHEL. Yes. And if they did not take a pilot at that port we could not keep up the equipment. Knowing that, they take the pilot, we have increased our equipment. It is absolutely necessary there. We have two entrances. It is like two ports; we must keep an equipment at both places.

Mr. HARDY. You have a large equipment voluntarily furnished by your association?

Capt. MICHEL. The law requires us to maintain sufficient equipment.

Mr. HARDY. And you make a special effort on that account?

Capt. MICHEL. Yes; because we would go out of business if that port was injured or its navigation made doubtful.

Mr. HARDY. And the steamships, notwithstanding they are not required to carry a local pilot, do so in fact, except this one?

Capt. MICHEL. Yes, sir. Well, now, there are some steamers that have tried to come in there, some barges, and they have gotten aground and done some considerable damage. I will say that one

barge came into the mouth of the river, called the *Providence*, some years ago. She was loaded down deep in the water, and she was an iron vessel. You can understand that with their big counter down in the water, for instance, like this [illustrating], it will draw the water behind her and there is no action against the rudder, and the rudder is really useless on those vessels. This vessel, the *Providence*, came into the mouth of the river and was caught in the counter-current. In fact, that happened every time until she took the pilot. She had two tow boats—

Mr. HARDY. Is that a sail vessel?

Capt. MICHEL. No, sir.

Mr. HARDY. A steamer?

Capt. MICHEL. A barge. But she did have masts on her that were used for hoisting the cargoes, and, I believe, steam hoists. She had four masts.

Mr. HARDY. Was she towed in by a tug?

Capt. MICHEL. By two tugs that attempted to tow her in. She grounded at the mouth of the river, not having an experienced pilot on board. They proceeded to jettison or to pump out her cargo at the mouth of the river to lighten her up. There was a 5 or 6 mile current and she was broadside to this current, and it was an outrage to pump that oil out of her. At our port, when a vessel goes aground, the proper thing is to keep her deeper, so that she would swing on a line with the current. No vessel can be floated unless she is straight with the current. They require tugs to dig alongside of the vessel to keep her out until she swings off. And this steamer pumped out her oil and destroyed the oyster industry for miles and miles around in all the bays and bayous adjacent to the mouth of the river; and shortly afterwards the Secretary of War passed a rule that any barge or vessel pumping oil into the bays or river coming into the pass would be subject to a fine of \$2,500 for a violation of that rule.

Mr. CURRY. Have you a State pilots' commission in Louisiana?

Capt. MICHEL. Yes, sir.

Mr. CURRY. Do not the pilots have to take an examination before the State pilots' commission before they can receive their certificates as pilots?

Capt. MICHEL. Yes, sir. I would say that I am chairman of that board. Now, I will ask Capt. Spencer to read this.

Capt. SPENCER (reading):

SUBAQUEOUS PHENOMENA AT THE MOUTH OF THE MISSISSIPPI RIVER.

[By George W. Lawes, member of the Louisiana Engineering Society. Read before the Society, Sept. 9, 1907.]

For a period of 23 years, during which time I was connected with the engineering department of the South Pass Jetty Co. and the United States Engineers at the mouth of the Mississippi River, I had an opportunity to observe the phenomena of which I propose to talk to-night. Owing to the limited time allowed me for the preparation of the subjects, I will treat them only in a very general way, leaving the details to be brought out in future discussion.

I have no doubt that many of the members have heard of mud lumps, sand waves, and countercurrents without, perhaps, having come in contact with them. There is also a silty sediment, peculiar to the passes during low river, of which I have never seen any account except in Government reports, which are usually not too generally read. Therefore I hope my description of these phenomena will be of some interest, and, as the cause of them has never, to my knowledge, been definitely determined, the interest of some of the members of inquiring turn may be whetted to investigation.

Mud lumps.—This formation is peculiar to the mouth of the Mississippi, but whether so to other sediment-bearing streams, I have never heard. They occur principally in the vicinity of the easterly outlets of the Mississippi, though they also occur at the other passes. They are composed of a stiff, tenacious blue clay that can readily be molded into any desired shape when moist, and is susceptible to a very high polish when dry. They vary in size from a few feet to several acres in extent, one of them accommodating a family, and on which they raised excellent truck for market. Previous to becoming covered with vegetation, and seen from a distance, they present a unique appearance, taking on fantastic shapes which are silhouetted against the sky in inky blackness. On closer inspection they showed a rugged, seamed, gray surface where affected by the sun's rays, but otherwise have the inky color of the clay of which they are composed. It is claimed that their formation is spontaneous, and that they rise precipitately out of the water and are dangerous to craft on the site of their foundation, catching them unawares and lifting them as they rise. My idea is, though, that this is rather imaginative, as, in the several that came under my observation at the mouth of the South Pass, the growth was gradual, as sounding over them evidenced; then again, the formation may have been going on during a period of spring tides, which, followed by an extraordinary low tide, caused the lumps to appear a foot or two above water, and, without consideration, the unthinking observer jumped to the conclusion that the action was spontaneous.

The cause of the formation of the lumps has been attributed by some to the weight of superimposed sediment, and by others, to pressure from gas which underlies all this territory. The lumps forming beneath the water are, of course, not susceptible to investigation; but they form in the marshes contiguous to the passes, and in these there is found a central crater up through which the material oozes and builds up the lump.

I saw several mud lumps that had formed off the mouth of the jetties, but none ever formed near enough to have any effect on the channel, and so the bugaboo that was so confidently predicted would destroy the jetties never materialized.

Counter currents.—This is a most interesting phenomenon and its action very peculiar. The current is produced by the tides during low river at a time when there is no river current. At times its presence is manifested by a turbulence in a portion of the river, where every other portion is placid. A stretch of water extending from bank to bank will be affected by a ruffling of the surface into waves of considerable height dashing and beating against each other in angry commotion. This turbulence will travel up or down stream according to the direction of the flow of the tide and at a speed dependent upon its force.

During the first years the jetties were in operation the bulk of the vessels entering them were sailing craft. The effect this current had on a vessel towed into the pass was remarkable. Moving along at a speed of from 4 to 6 miles an hour, vessel and towboat would suddenly come to a standstill and there remain for hours, notwithstanding the utmost effort and power of the towboat. Again, I have seen vessels weigh anchor, and, against the united efforts of two towboats, remain steadfast at the point of anchorage for hours. Some change in the tide or other conditions would finally affect the current and its influence be lost and the vessels proceed.

My idea of the cause of this effect of the current is that the vessel, owing to her greater draft, was immersed in a body of salt water underlying the fresh water in which the towboat rested, and this salt water flowing along the bottom, owing to its weight, exerted a greater retarding influence on the vessel than could be overcome by the towboat working in the lighter medium. The turbulent effect of the current mentioned above has been attributed to mediums of different density working in opposition.

Sand waves.—During my connection with the United States Engineers one of my duties was to take sediment samples twice a week from the pass about 2 miles above the jetty entrance. In this way the amount and character of the sediment transported could be closely observed. I found in these observations that, after a long period of low river, during the first rise in the river the sediment was composed of light material, usually silt, very little sand being present. Later this material would be replaced by almost pure sand of a very coarse grain. This sand being extremely heavy, the least impediment to the current would cause it to drop to the bottom and in such quantities as to cause serious shoaling in the channel. These shoals would move down the pass in series, and hence the name "sand waves" was applied to them. The shoaling usually occurred in the wider portion of the pass, and would obstruct the channel for longer or shorter periods, depending on the stage of the river to which this character of sediment was peculiar. Dredging had but a temporary effect in reducing the shoals, as a channel dredged one evening would be obliterated by the following morning; and often the dredge would work all day and produce no deepening in the channel. When this character of sediment ceased to be found in the water the sand waves disappeared, and the channel would improve naturally.

Silt sediment.—During low river and when the hydrometer showed a preponderance of salt water in the pass, a thick, slushy sediment would be obtained in the sediment samples. This sediment was usually found near the bottom of the pass in midstream, although samples taken at one-half depth contained it to some extent. (Samples of sediment were taken 150 feet from each bank and in midstream, at the surface, mid depth, and 3 feet from the bottom.) Three feet from the bottom in midstream, when this sediment was obtained, it would be seven-eighths silt, composed of clay with scarcely a trace of sand in it.

When this sediment was found in the samples, there was always an undercurrent of salt water moving upstream.

I observed that when the river was low enough to admit salt water in sufficient quantities into the pass, this water seemed to have a disintegrating effect on the sediment deposited on the banks during high water. The sand being heavy would not be disturbed, but the lighter particles would be, and gradually carried out of position. My idea is that the whole bed of the pass was affected in similar manner by this action and the material would slide down into channel, and, when a strong undercurrent of salt water occurred, would be lifted and carried in suspension. (Reprinted from *Journal of the Association of Engineering Societies*, Vol. XLVI, No. 4, Apr. 1911.)

NOTE.—Discussion of this paper is invited, to be received by Fred. Brooks, secretary, No. 31 Milk Street, Boston, by July 1, 1911, for publication in a subsequent number of the *Journal*.

UNITED STATES ENGINEER'S OFFICE, CUSTOMHOUSE,
New Orleans, La., July 3, 1911.

Capt. B. MICHEL,
Superintendent Associated Branch Pilots,
1102 Maison Blanche Building, City.

DEAR SIR: Answering yours of the 26th ultimo relative to countercurrents in the passes of the Mississippi River, as to their causes and effect upon vessels, more especially sailing vessels, I have to say that I have no knowledge of any special tests or observations having been made relative to these currents. It is possible, however, that the Coast and Geodetic Survey, Washington, D. C., may have something on the subject.

You know, of course, that when a vessel in tow stops on account of countercurrent she goes from one side of the pass to the other, moving in a straight line, and along that line there is a decided ripple. In this we have evidence of a disturbance below the surface of the water, and, in my opinion, it is due to the current of salt water coming in meeting and displacing a volume of water of lesser density above it, and the greatest resistance to each other of these two volumes is at the locality where the rip or ripple is in evidence. The incoming volume of salt water has a rolling motion, and, I believe, that the surface of the water at the point where the vessel stops is slightly elevated above the water above and below it and thus forms a barrier which opposes the progress of the vessel. In the case of steamers their draft is greater, their power is greater, and the propeller also exerts some influence in breaking the barrier, whereas the volume of the hull of the sailing vessel comes more in contact with the resisting force of the counter current on account of the lighter draft.

Yours, truly,

CORNELIUS DONOVAN.

Mr. SMALL. What is the rank of Mr. Donovan?

Capt. MICHEL. He is the gentleman in charge of the engineer department in New Orleans in the absence of the major, who is located there sometimes for two or three years.

Mr. SMALL. Is Donovan a civilian engineer, or does he belong to the Engineer Corps?

Capt. MICHEL. He is a civilian who has been at the mouth of the river for 30 years and was transferred to the port of New Orleans. And these vessels have given serious trouble in the past, and I knew more about it than anybody—about these countercurrents—and I wanted to learn if there had been any investigation, and these letters were simply written to suggest the idea that such an investigation should be had.

Capt. SPENCER. This reads:

UNITED STATES ENGINEER OFFICE,
Port Eads, La., July 16, 1911.

CAPT. B. MICHEL,
Superintendent Associated Branch Pilots.

DEAR SIR: Replying to your inquiry of recent date relative to "countercurrents" in the Passes at the mouth of the Mississippi River, I have to say that, to my knowledge, no official investigation of this natural phenomenon has been made. I think that the term "countercurrent" is a local one, and the subject may have been investigated elsewhere under some other name.

During the 11 years of my service for the Government at South Pass, I have often seen countercurrents, as evidenced by a peculiar "break" or line of ripples extending across the pass when the water surface elsewhere was smooth; and I have several times had opportunity to observe their effects on vessels in tow. In one case, a large oil barge, towed by two tugs, had entered the jetties from the Gulf. After having passed the point of swiftest surface current, the barge came to a stop, then slowly dropped back, pulling the tugs, until she went aground on the shoal near the end of the west jetty. In another case, the schooner *Orleans* was towed in by the pilot boat *Underwriter*. When abreast the end of the east jetty, the vessel halted. She would flank back and forth across the channel, but for more than an hour she made little or no progress. When this locality was finally passed no further trouble was experienced in towing the schooner upstream. Another example was witnessed yesterday when the pilot boat *Jennie Wilson* towed in the schooner *John E. Caldwell*. There was very little surface current to contend with and the wind, which was nearly fair, was strong enough to drive the schooner under sail power alone; yet, with combined sail and tow, several hours were consumed in traveling the 3 miles between the ends of the jetties and the anchorage above Port Eads. At times the schooner would escape from the influence of the countercurrents and would make good progress, only to be stopped when the next one was encountered. I have been reliably informed of other cases where as many as five towboats were powerless to move a vessel, which one towboat would move at good speed when out of the influence of the countercurrents.

When in the grip of a countercurrent, a vessel in tow may make a sudden stop, as suddenly "bolt" ahead, or entirely refuse to respond to the helm. The method commonly used in "breaking" or escaping from a countercurrent is to cause the vessel in tow to rub against or very close to the bank. When moving with the surface current instead of against it, the countercurrents exert an accelerating rather than a retarding force.

Self-propelled vessels are less influenced than are sailing or towed vessels. This is due to the greater power and momentum of the self-propelled vessels, and the churning action of the propeller or wheel is doubtless an assisting factor.

Countercurrents exist in the passes only at low stage of the river, when the top stratum of fresh or brackish water is underlaid by heavier salt water; the latter, of course is forced into the passes by tidal action. This salt water has a different velocity of current from that of the fresher water, and the two may be moving in opposite directions—i. e., it constitutes an "undertow." But this undertow can hardly be of sufficient strength to exert the holding force which was evident in the cases which I have mentioned. Several hypotheses have been advanced to account for this, none of which have, to my knowledge, been proven.

One hypothesis is that the salt water, when forced in by the tide, has a "vertical rolling motion," which causes the surface disturbance and forms a barrier to any moving object which penetrates it. Friction between the waters of different density, when moving at different velocities, or in opposite directions, would tend to create such a "rolling motion," the principle being the same as that which causes atmospheric tornadoes.

Another hypothesis is that the division between the waters of different density is not a true plane, due chiefly to the irregularities of the bottom. In support of this theory, it is pointed out that trouble from countercurrents is encountered only at certain definite localities.

A third hypothesis is that of the physical cohesion between the waters of different density, which in some way, not fully understood, exerts a strong retarding force to the passage of any object through it. Along this line, I know of a series of experiments having been made; unfortunately, I am not in a position to quote authoritatively concerning these experiments, and can only outline them from memory. A testing basin, such as is used for determining the probable speed of boats by means of small models, was used, together with models and the necessary apparatus for

registering the pull when towed or drawn along. Dense salt water and lighter fresh water were admitted to the basin; the amount of both being varied during the experiments. I think that the water in the basin had no current or natural motion. It was found that a greater force was required to pull a model which penetrated through the stratum of fresh water and into the salt water than was required to pull a model which floated wholly in either fresh or salt water.

The above statements may appear incomplete and inconclusive. I have only to add that while the causes and exact nature of counter currents are not fully understood, their effect in numerous cases can not be disputed.

Respectfully,

ALLEN E. WASHBURN,
Junior Engineer.

Mr. CURRY. Do you mind telling me the date of the first letter from the engineer?

Capt. SPENCER. July 3, 1911, is the date of the first letter that I read from the engineer's office.

Capt. MICHEL. As to the mud lumps, by G. W. Laws. Mr. Laws, I think, had been at the mouth of the river for 25 years. He afterwards became the secretary of the State engineers of Louisiana. This paper was read in Boston.

Mr. CURRY. I notice that is five years ago. Have you any information from the Army engineers as to the conditions down there now?

Capt. MICHEL. I thought this would have brought about an investigation. It was very serious to our port, and we had to think how to overcome it. The pilots are thoroughly familiar with that and try to avoid entering the pass with a sailing vessel when those conditions exist.

Mr. CURRY. Is Mr. Laws the local Army engineer located down at New Orleans all the time?

Capt. MICHEL. Yes, sir.

Mr. CURRY. I did not know whether you had any recent communication from him regarding the channel.

Capt. MICHEL. We cooperate with the engineers at the mouth of the river regarding the conditions there, and we are still sending loading drafts for the vessels.

Mr. CURRY. I know; but that paper is five years old.

Capt. MICHEL. The same conditions obtain right now.

Mr. BYRNES. What Mr. Curry asked you is, Have you any information from the Army engineers there now?

Capt. MICHEL. No, sir; they know absolutely nothing about it now.

Mr. EDMONDS. He said the same condition existed now.

Capt. MICHEL. Yes.

Mr. EDMONDS. There has been no improvement in that condition since then?

Capt. MICHEL. No, sir.

Mr. SMALL. Who is that letter from?

Capt. SPENCER. From Allen E. Washburn.

Mr. SMALL. Is he a civilian or a member of the Army corps?

Capt. SPENCER. He is a member of the service.

Mr. SMALL. An officer in the corps?

Capt. MICHEL. He is the junior engineer. He is in charge of the works at Port Eads. These documents were never intended to be presented here. They were for my information to suggest to them—it was rather delicate that I should do so—that they should have an

investigation of this matter. They are fully occupied. In fact, some of them are worked there until 8, 9, or 10 o'clock at night, because they have so many soundings to take, and I have often gone there at that hour at night to consult as to the condition of the channel and to report to them what we found. And together we try, with the aid of the engineer department in the city to transfer the dredge boats from one place to another.

Mr. SAUNDERS. The effect of that, then, is that as a result of local conditions at the mouth of the Mississippi a pilot must be continually advised as to the state of the channel in order to be expert and efficient?

Capt. MICHEL. Yes, sir.

Mr. SAUNDERS. Do those conditions prevail at any of those other ports, or is it your contention that such conditions prevail at the different ports now?

Capt. MICHEL. No, sir; not that I know of. But some gentlemen from the different ports will be heard to-day. They are here now and will give their testimony.

I want to explain, in regard to the effect of this countercurrent on vessels. There are many gentlemen here, possibly, or those who have been before the River and Harbor Committee, who know that there are dredge boats at the mouth of the river. There are three in the Southwest Pass. They dredge on the range and say, for instance, the dredge is 60 feet wide and her hydraulic suction that she puts on the bottom is 40 feet wide. They make one straight line down the pass and this will show the sudden changes. And that channel may be only 40 feet wide. Some days it is 50 feet from the buoy and the next week it may be 500 feet from the buoy. And it can be readily understood that if a large steamer is going down, say 400 or 500 feet long, valued, with her cargo, at possibly \$5,000,000, if she goes down that narrow gut, she must proceed that way and get out of the way of these barges or sailing vessels, or any other craft that does not know just where these channels have been made, and they are right ahead of this ship. Now, then, if a vessel stops, and is compelled to back with the right-hand propeller, she backs her bow this way [indicating]; or if, for any reason, for landing purposes at some particular place there is a left-hand propeller, she backs her bow that way [indicating]. Now, it should be clear if that vessel puts her bow into one side of that channel, with a 4 or 5 mile current coming down, she must swing broadside to the current; and all of the towboats at the port of New Orleans could not take her off. And in some instances they have had to take the passengers off for fear that the vessel would turn over. Now, a barge without a pilot on board with that local knowledge, would innocently get in the way. I think barges are treated like sailing vessels, and the steamer must get out of the way. It is a discrimination against the steamer, but it is a proper one. And so you can readily see what would happen if one of these vessels at that particular port was in the way of those big ships.

As I stated before, I cut down the loading draft of those steamers 6 inches, which meant thousands of dollars to the owners and the agents. I did not say a word about it, but I went about to correct it by voluntarily going on board of those barges, or begging them to let us on board, and when they did so we increased the draft again if the channel would permit it. So that you can see how serious it

would be to the port and to the citizens of the State. The board of port commissioners has possibly spent \$25,000,000 in protecting and building up their wharves and railroads and warehouses, and they are owned by the State and the city. And now the legislature has been authorized to issue \$30,000,000 more, and to disturb that or to make doubtful the passage into that harbor would not be fair.

If the channel was impaired and the navigation impaired what would happen? The insurance would go up. And we will take, for instance, a vessel worth \$1,000,000. One-sixteenth of a cent would mean \$166. For a vessel worth \$5,000,000 an insurance raise of that amount would mean \$760. So that you can see the importance of this matter and the seriousness of this vicious bill to our port.

Now, gentlemen, when a condition exists like this in the harbors complained of, we try to rectify it, and if there is a condition that manifestly needs changing, it should be changed in that particular locality. And that is the reason that this question was left to the various States on account of the varying and various conditions that exist.

Here is some further data that will show conditions there.

Capt. SPENCER (reading):

The proponents of this bill are attempting, by general act of Congress, to force the adoption upon all the States of a policy which some have adopted and some have refused to adopt. As a matter of fact, there are nine States where the law attempted to be enacted by this bill, in regard to barges, is already in force; and as to their ports, of course, it would have no effect. There are seven other States of this country where barges in tow are treated like vessels and are required to take pilots when entering and leaving their ports through their seaport channels.

The whole object and purpose of this bill is to drive those seven States into line with the nine States. For that reason the bill is a violation of the fundamental doctrine laid down by the Congress of the United States at the origin of the Government on the subject of pilotage. Pilotage is one of the branches of interstate commerce which the Congress has always allowed the States to regulate, and it is one of the few instances in which the Congress permits the States to act upon commerce in such way as practically to regulate it. The reason for this policy by the United States is not hard to see. The conditions at the various ports of the United States are so varying in detail as to exclude the possibility of any proper general legislation governing pilotage at all these ports. Congress, has, therefore, recognized pilotage as a local affair, to be determined by the legislature of each State for its own local ports.

So far as the port of New Orleans is concerned, the legislation sought by this bill is probably more vicious in its results than in any other port in the United States. The pilotage problem presented at the mouths of the Mississippi River is unique and does not exist anywhere else in the United States. The mouths of the river have been jettied by the Government at great expense; these jetties are artificial works which are liable to injury and damage by navigation between their walls. The width of the mouths, the tremendous amount of water that is poured out of them, the excessive amount of sand and silt carried in the current and deposited at various places in the channel and outside of the channel, the counter current produced by the conflict between the steady push of the current of the river and the fluctuating currents created by winds and tides, and the contact of the fresh water of the river with the salt water of the Gulf create a very complicated and difficult problem; and with this problem the bar pilots of the Mississippi River are brought into constant contact; and it requires a very high degree of skill and experience and a considerable outlay of capital to insure the proper performance of a pilot's duty at the mouths of the Mississippi River.

A heavily laden barge in tow of a steam vessel, the barge being without means of propulsion or of navigation of any sort, is a source of constant menace both to the towing vessel and to other vessels in the fairway, unless that barge is also in the hands of a skilled pilot. If these barges are exempted from pilotage at the port of New Orleans, they will not take pilots, and every such tow that enters or departs from the mouth of the river would be a source of danger.

There is no demand in the port of New Orleans for any such exemption, and the exemption ought not to be forced down the throats of the commercial interests of the great port of New Orleans, which is the second port in the United States.

Applying particularly to the port of New Orleans, and the entrance thereto by the way of South and Southwest Passes. To those closely identified with the navigation of South and Southwest Passes and the maintenance of these channels, it is a well known and established fact that changes of many and various kinds are constantly taking place. Erosion that is going on at one time in different places is sooner or later changed by a filling and shoaling, and erosion will be found taking place in some other locality, to be followed as before. This form of change takes place more frequently at or near the seaward entrance to the passes, and while there has been an adequate channel during the past five years at all times in one or the other of the passes, it has required constant attention from the pilots to keep themselves posted from day to day as to these changes. During the past two years the shoaling at the entrance to South and Southwest Passes from sea and from the river have been frequent and pronounced requiring daily soundings during some periods, and constant knowledge at all times of the channel, which has always been more or less narrow and crooked in different localities. It is, therefore, impossible for any but the local pilots to be thoroughly well posted as to the condition of these channels and, that the channels to the entrance of the Port of New Orleans, with its growing commerce, may be kept clear and unobstructed, none other than well posted local pilots should be entrusted with any navigation in these so designated passes.

These difficulties are augmented by other features peculiar to the mouths of the Mississippi River, during different periods of the rise and fall of the river. At the higher stage of the river, eddies and crooked currents are numerous and even with well equipped and strong powered ships it is often difficult to navigate with precision. Again, when the river is low, we have what is termed "counter currents." The causes of these counter currents are not well determined, but the action is to retard and sometimes to stop the progress of slow incoming vessels, inasmuch as to require skillful handling before being able to make a way through these currents. In one of our entrances to the river we find, under certain conditions, a silt in suspension, caused by some condition unknown. At times this has impeded progress of steamships, even to stopping their headway.

Some of the reasons why it is necessary to require constant and careful study to navigate the entrance to the Mississippi River in safety to the best class of steamships and that our port of New Orleans may be kept open to the traffic of our increasing commerce. How much greater should this care be when we have to consider not vessels well equipped with their own power to drive them, to steer, and control them, but "barges in tow"—a towboat with a rope attached to anything named a barge, which we presume to be the meaning of "barges in tow." At the present time the barges that come to this port are, many of them, heavy and unwieldy when loaded; they steer badly, through poor steering power or otherwise; and in the passes they are a menace to other navigation in passing and, without the knowledge of the local pilots of the peculiar conditions there, to navigate these passes would be doing so with great danger of obstructing and closing the channels in them. In South Pass, with its average width of 600 feet, its many shoal places, and the amount of suction one vessel exerts on another, it would be very perilous and unsafe to attempt the meeting and passing in South Pass unless navigated by local pilots with knowledge of the safe meeting points.

It seems that barges in tow should be carefully considered from their name and what may be considered a barge. In former years a barge was of small size and capacity. Gradually they have changed, until now we have large hulls and hulks of any size and shape, age and condition, from the model oil barge to the condemned schooners, sailing ships, and battle cruisers, in any and all conditions of repair and equipment, and who may say as to what may be the size of and what may constitute a barge in tow in the next decade or during the next quarter of a century?

The CHAIRMAN. By whom is that written?

Capt. MICHEL. That is by me, sir.

The CHAIRMAN. Then you submit that as a part of your statement?

Capt. MICHEL. Yes, sir.

Mr. CURRY. In the North and South Passes at the port of New Orleans, are those passes straight or crooked?

Capt. MICHEL. In the Southwest Pass sometimes it is straight and at other times it is crooked. The entrance to the South Pass is in a

crescent shape. I have a blue print which I forgot to bring, but I will bring it when I have further hearings. That was the reason that I asked Mr. Small the question as to where there is a shoal directly off the mouth of the South Pass requiring vessels to come in this way [illustrating]—

The CHAIRMAN. When you say "this way" the stenographer can not get it. Describe it. You come in with a curve?

Capt. MICHEL. Come in with a curve; yes, sir. And their stern is in slack water when they enter or meet the current coming out of the river. They strike a current sometimes of eight miles an hour. The narrower the river when it is low tide in the Gulf the greater the flow. When we have a high gulf tide the current is not so rapid. But you can understand with a 400-foot ship, with a barge attached to her stern, coming around that curve with her own helm, it requires a great power.

Mr. HARDY. What is the arc of that curve?

Capt. MICHEL. They change from west to northwest by half north.

Mr. HARDY. What I want to know is what would be the radius of the curve there; I want to know the length of the sweep.

Capt. MICHEL. It varies at times. Sometimes a northeast current would wash part of it away. It is generally about a mile.

Mr. HARDY. A mile from the beginning of the curve?

Capt. MICHEL. We come in on the range and then the turn is very sudden. We have to come in that way to avoid the shoal right off the jetties that I spoke of just now.

Mr. HARDY. If your barge was tied 500 feet behind your tug, at what angle would the rope stretch in the direction of the tug?

Capt. MICHEL. The rope, when the vessel was heading up in that way [illustrating] would be off in this direction, preventing an absolute free swing. And nearly all of the vessels that have attempted to come in they have grounded, except steam vessels.

Mr. HARDY. Do the Army engineers try to keep both of those channels open, or just one of them?

Capt. MICHEL. They try to keep both of them open.

Mr. HARDY. How many dredges have they now?

Capt. MICHEL. They have a great big task, and I do not think they have money enough to cope with the conditions.

Mr. HARDY. Do you know how many dredges there are there now?

Capt. MICHEL. Three.

Mr. HARDY. Three in the Southwest Pass?

Capt. MICHEL. There are two southwest channels. And the larger the width and the larger the body of water, the greater the deposit.

Mr. SMALL. Captain, you have been referring to the South Pass, have you not?

Capt. MICHEL. In regard to that curve?

Mr. SMALL. In regard to the countercurrent.

Capt. MICHEL. To both passes.

Mr. SMALL. In regard to the curve, to which pass did you refer?

Capt. MICHEL. I stated that sometimes the entrance to the Southwest Pass was crooked and the entrance to the South Pass is nearly always so. It requires a great deal of power to bring a vessel in the entrance of the South Pass, because the stern must swing around very quick to get on a line with the current; and with a barge holding her back, she would be unable to do it. Sometimes the steamers come

in there with only a speed of 7, 8, or 9 miles an hour, and ask our boat to help them around that corner.

Mr. SMALL. What do you mean by the statement that the Southwest Pass is sometimes crooked?

Capt. MICHEL. The channel shifts there. Sometimes the ranges have to be changed. So often do they change them that they had to build a track there to put the range on it, so that they can pull it along as suggested by the pilots.

Mr. SMALL. How frequently do those changes occur?

Capt. MICHEL. Sometimes daily.

Mr. SMALL. You are referring now to the Southwest Pass?

Capt. MICHEL. Yes, sir. I have the soundings here.

Mr. SMALL. What is the average depth of the Southwest Pass at mean low water?

Capt. MICHEL. Now it is about 25 feet.

Mr. SMALL. What is it in the South Pass?

Capt. MICHEL. I think 30 feet. I have not been able to examine the last list I received, but it is very often that there is 35 feet there; I mean in the South Pass. Sometimes there has been 32 feet in the Southwest Pass. During the high river, the first stage of it, the passes fill up or shoal; and during the last stages, on the fall of the river, it also fills up. But we have more trouble during high river than we do during the low river. The salt water coming in from underneath absorbs the silt or moves it. The steamers, for instance, drawing 15 feet of water, always go in that channel. The pilots help to keep the channel deep. It has this effect on the bottom, they churn the mud up and that comes to the surface of the water and is taken out on the ebb tide. So that we do not have much trouble during low water except from countercurrents, but those countercurrents are very serious. I want to say that every vessel that has gone aground on the west jetties, and no wooden vessel ever came off. They have all been sunk and they have disappeared in quicksand. There were some Government pilots who used to go outside to catch steamers to take them up the river after we left them—there was no river pilot system at that time—and I had my boat, a sailboat that cost \$5,000, and they lost her in 10 minutes, and in a week she was out of sight—a total loss; no insurance.

While speaking of insurance, gentlemen, I would like to say that we are unable to insure our boats. They charge 8 per cent interest to insure them and we have to bear one-third of the insurance ourselves, which we could not afford.

The CHAIRMAN. It is now 12.45, and we will take a recess until 2 o'clock and conclude the hearing to-day of those who wish to be heard.

(Thereupon, at 12.45 o'clock p. m., the committee took a recess until 2 o'clock p. m.)

AFTER RECESS.

The committee reconvened pursuant to the taking of the recess.
The CHAIRMAN. You may proceed, Captain.

STATEMENT OF CAPT. BEN MICHEL—Continued.

Capt. MICHEL. I had hoped that I would be aided by the gentlemen on the other side that are advocating this bill, and had hoped that they would question me in regard to handling the vessels so that I could have my expert testimony before the committee. But, if it is the right thing, you will excuse me for saying anything about the matter, because I have not had any experience in such things. I have never as I told you before, appeared before a committee for such a purpose. We have some data here in further reference to the conditions.

The CHAIRMAN. Is this a continuation of your own statement?

Capt. MICHEL. Yes, sir.

The CHAIRMAN. I would suggest that you get all of your statement in together.

Capt. SPENCER (reading):

The systems of local pilotage at the several ports are considered by all interests extremely adequate and efficient and absolutely necessary for the safe navigation of their seaports.

As all the ports are reaching out and competing for the world's trade, none would create pilotage laws to the detriment of the commerce of their own States.

It is of doubtful consideration for the rights that should belong to the several States and which were accorded them by the Constitution of the United States at the formation of the Government to attempt to interfere with so vital a question.

The conditions at many of the ports of the United States are such that it is necessary for the pilots of each locality to form associations to pool earnings, to make large investments in pilot boats and shore adjuncts, all of which tend to make the service more effective in the interests of commerce.

It has been claimed that the State pilots maintain an aggressive organization to oppose legislation that will affect them. This may be said of every industry and profession in the United States. Were this not true what would become of the professional and labor classes. It is safe to say that the large interests are well organized to oppose every fair, proper, and just restriction.

The responsibility and skill of the pilots have been greatly increased by the modern build of vessels, and the pilotage tax on the commerce of the country has, in consequence of the enormous size and the increased capacity for cargoes and passengers, decreased fully 700 per cent since the present rates were adopted.

Were navigation at any of the ports endangered, or made doubtful, marine insurance rates would be increased. An increase of only one-sixtieth of 1 per cent on \$1,000,000 amounts to over \$166, a sum far greater than the pilotage. Many large vessels and their cargoes are valued at millions. A valuation of the passengers can not be fixed.

History proves that investigations have invariably shown that nearly all accidents to navigation have occurred from lax or inadequate safeguards, and laws are being created to insure more security in this direction and not to increase them.

The governors of the seaport States, having every possible facility for keeping informed as to conditions and requirements of their respective seaports, should have control of the pilotage within the law.

Pilots appointed under the laws of the States, whose tenure of office demands that the highest state of efficiency must be maintained, to whom a safe and increasing commerce is of vital importance, would appear to be the proper persons to be intrusted with so important a branch of the State government.

Proper restrictions prevail in each State as to pilotage charges and the number of pilots required for the service, to prevent any possible abuse in those directions.

An international conference on the safety of life at sea was recently held and subsequently a bill introduced in Congress for the better qualifications of seamen. It would therefore appear that the considering of increased safety of life and property, on the

one hand, and the suggesting, on the other, that local competent pilotage, that has given uniform satisfaction and which has proved a real safeguard to life and property in the past, be abolished on these dangerous vessels is paradoxical in the extreme.

The CHAIRMAN. Right at that point, you refer to different States and the business interests of different States. The chambers of commerce and other commercial bodies of these ports, or most of them, have passed resolutions in favor of abolishing compulsory pilotage. Do you think those commercial interests ought to be regarded by the committees?

Capt. MICHEL. It has been claimed, Mr. Chairman, that the pilots of North Carolina secured the passage of a pilotage bill—

The CHAIRMAN. Answer that question, please.

Capt. MICHEL. No, sir. Those interests are not competent to know anything about the qualifications of the pilots, nor the necessity for them for the interests of their respective ports or cities within those States.

I wish to say this, that many hasty resolutions have been adopted for a lack of knowledge on the question. It must appear, Mr. Chairman, that lawyers, doctors, and business men can not judge as to the necessity for pilots; their ability should be questioned.

I wanted to say why that may be done at some of those places. It is said by the advocates of this bill that the pilots went to the Legislature of North Carolina and stated that that was a good thing and it was passed. In the absence of any protest or of opposition to that bill, they passed it. Now, I do not admit that that is correct, but I do say that the Southern Transportation Co. is doing identically the same thing before this committee, or are trying to do it. But I do not believe they are going to do it when you know the conditions, and that is why I am urging that we be heard all the way through and that we take up the question of the ability of these gentlemen to judge as to whether we need pilots at any of the particular ports or not. I would say in the case of North Carolina that that was a mistake of the pilots; but the pilots did not do it, as I understand. I am sure that the gentleman who represents Wilmington, from his statements, was not aware that such a bill was passed until after it was passed. Now I have tried to prevent any legislation of that kind. We have done everything that was possible to adjust this thing. We have made every concession to the advocates of this bill, to satisfy them. And I am ready to prove it later on.

The CHAIRMAN. If the pilots did not promote that legislation, who did?

Capt. MICHEL. There was some one, as I understand it, wanted a pilotage system at that particular port, but a gentleman will appear from that State who is more competent to answer the question than I am.

The CHAIRMAN. That is all right; just so it is explained.

Capt. MICHEL. Yes, sir. As I said this morning, I sent for these gentlemen to know what was the trouble, and stated if there were new conditions they ought to be corrected. If the pilots were wrong, they were ready to correct anything for the benefit of their own ports. And I was comparing the pilotage rates now with when it was first adopted. When the present pilotage rates were adopted, the build of vessels then was sharp, mostly sailing vessels. They carried rock and dirt ballast and a cargo of cotton of 3,500 bales would be a

tremendous cargo. They had to keep this rock or dirt ballast in their vessels until they arrived at the wharf, drawing on an average of 14 feet with 3,500 bales of cotton, and with still some ballast in her she drew 18 feet on the average. Some 14 years ago I got up some data, but since that time there has been a tremendous decrease in the rates of pilotage, so much so that we had to appeal to the legislature to reduce the number of pilotage. One of the things that were brought to their attention was the different build of vessels. A vessel now will come thoroughly equipped with every modern improvement, with water ballast. If the vessel is light before she gets to the entrance of the harbor she pumps the water out. These vessels may be 400 feet long, and will enter the Pass or the harbor drawing about 12 feet of water. Now here is the steamship *Magician*. On January 7, 1901, she took from the port of New Orleans 20,000 bales of cotton; 128,571 bushels of corn in bulk; 1,140 sacks of cottonseed meal; 20,439 feet of pine lumber, and 3,000 pieces of oak staves, with a draft of 25 feet 8 inches. It can be readily seen, gentlemen, that the pilotage has been reduced fully 700 per cent on the products of this country, so that it is no longer a question of pilotage; it is a question of the safety of these valuable ships and cargoes. There are none of the coastwise vessels, I believe, that would object to now repealing the law, because it is a question of safety rather than of economy.

Mr. HARDY. Repealing what law?

Capt. MICHEL. Repealing the law exempting coastwise steamers.

The CHAIRMAN. From compulsory pilotage?

Capt. MICHEL. Yes. It is no longer a question, gentlemen, of economy, and I have papers here that will show it. The Southern Pacific Co. has been trading to the port of New Orleans for 50 years or more, and have paid pilotage on their ships drawing 6 feet. The conditions at that port were such that they could not build larger ships, and when they did build the large ships we prepared to help them and also so that other vessels would be helped, and we built steam pilot boats. It is not by accident that that port installed the first steam pilot boat in the world. The conditions required it. Since that time we have several. We built one recently. We wanted to build a much larger boat, but we got a cut in our rates and were unable to do it. The large boat that we have it took us 20 years to pay for on a percentage. So that you can see we are alive to the necessity of protecting safe navigation to the port.

Now, gentlemen, the steamers that come to our port carry about 30,000 bales of cotton. To bring 30,000 bales of cotton out of the port of New Orleans, at first, would take 10 vessels, each one of them paying pilotage each way against one pilotage each way now. So that you can see that the pilots with the expensive equipment and the high cost of living, and the high cost of coal and the increase in the salaries of the employees would be justified in securing a raise of the pilotage. And I say that we are doing more to-day for the farmers than any other class of people in America. Something has been said about the Southern Transportation Co. being unable to exist if this pilotage exists; that there is some 3 to 4 cents a thousand added on the freight. It is sufficient to say, gentlemen, that these barges are receiving \$8 a thousand feet for freight in carrying lumber. I understand that the rates of freight on wet lumber are \$8.50 and \$6 on dry lumber.

Now, gentlemen, to show how important it is for the maintenance of a proper equipment at the mouth of the river, I will pass up these vessels. There is one in here that had 22,000 bales of cotton. It is very important, gentlemen, to insure safe navigation to our port, and I will show you one instance where we rendered valuable assistance

Capt. SPENCER (reading):

NEW ORLEANS, July 3, 1901.

Capt. BEN MICHEL,

Superintendent Louisiana Bar Pilots' Association, New Orleans.

DEAR SIR: On behalf of the Danish steamship *Alabama*, her master, and her owners, the Scandinavian-American Line, of Copenhagen, we herewith tender you and the members of your association this expression of appreciation of the satisfactory manner in which the above-named steamer was successfully floated with the assistance of your pilot boats *Jennie Wilson* and *Underwriter*, on the occasion of the grounding of the *Alabama* at West Jetty, at the mouth of the Mississippi River, in the forenoon of the 1st of July, 1901, the steamer having been aground but 17 hours and having suffered no damage whatever, either to machinery or hull.

Respectfully, yours,

CHAS. F. ORTHWEIN'S SONS,
JAMES GRAHAM, *Manager*,
Agents Scandinavian-American Line.

Capt. MICHEL. Gentlemen, for that service we received \$50. Had they telegraphed to the city for tugs it would have cost that ship \$35 an hour from the time the tugs left the city until they returned. It would then have been an insurance matter. With the small charge of \$50 there was no insurance, and we saved the port a black eye in that case.

There was another instance where a vessel ran aground just to the westward of the jetties—a steamship. And she was in a very dangerous place. The seas were breaking over her. I went to the vessel myself. I was master of the boat. I saw that they were trying to get an anchor out and get in a boat, and there was confusion on the vessel. I turned the boat over to one of the pilots, took the best man I had and rowed to the boat and got under her lee, and asked if we could render any assistance. The captain asked us to send for three towboats. I stated there was one coming down the river, and that under the law we must use our pilot boats exclusively as pilot boats. And we have done so except where vessels were in distress. In this case, I went over to Port Eads, 2½ miles distant, and telegraphed to head off one of these boats that was coming down with a tow. I had advised the captain that I would assist when that boat came. The boat came and dropped her tow, and I was afraid the vessel was going to be lost. I waited for a moment, and took in the situation, and it was too dangerous for that tugboat, a local towboat that could have had a salvage case of the vessel, and when he didn't go, I said, "Well, I am not going to let the vessel sink there; I am going to her assistance." He said, "Well, I will lose my job if I lose my boat; but you still have your job."

Capt. SPENCER (reading):

OFFICE OF GULF TOWING CO.,
New Orleans, June 12, 1894.

To whom it may concern:

I do hereby certify that on the 18th of March, 1894, I was informed that the steamship *Darlington* was aground to the westward of the entrance to South Pass; that I ordered the tug *Elmer E. Wood* to the steamer's assistance, and that the captain of the tug *Elmer E. Wood* reported to me that he could not render the steamer any assistance, as he considered it unsafe and dangerous to put his boat in position to get a hawser from the steamer so as to be of any assistance to her, on account of the heavy sea that was

running at that time. Notwithstanding that the steam pilot boat *Underwriter* went to the vessel's assistance, succeeded in getting a hawser, and after several hours' work succeeded in getting the steamer afloat. I consider that she not only saved the steamer from loss, but saved her much expense.

Respectfully,

J. G. HARRISON,
Secretary Gulf Towing Co.

Capt. MICHEL. That is some years ago, gentlemen. Now, it seems natural that tugboats should receive high payment for such services. We did not even get a card of thanks in this case. We were thanked by the citizens of New Orleans. But she took her cargo of grain and left the port in three days from the time she entered until she sailed, having to go up the river 110 miles from that point and return the same distance. She loaded within that time and proceeded to sea.

I stated this morning the condition at the mouth of the river and the barge question there relative to the Standard Oil Co.

The CHAIRMAN. I do not know whether you have already stated it or not, but how far is it from New Orleans to the jetties?

Capt. MICHEL. At the end of Port Eads is 110 miles. To the extreme outer bar at the Southwest Pass is 120 miles.

Capt. SPENCER (reading):

APRIL 27, 1912.

The STANDARD OIL CO. OF NEW YORK,
New York.

GENTLEMEN: In further reference to the matter of pilotage on your barges, I wish to state that we are extremely anxious to have your barges, when loaded, take pilots, both in and out through the Passes. As the channels at this port are frequently changing, persons not in constant touch with the local conditions, and therefore unfamiliar with the changes that may occur, may cause irreparable damage to the channel and to commerce by getting in the way of very deeply loaded vessels in parts of the channel that may be very narrow, which was one of the reasons for changing the law from half to full pilotage.

Without going into detail, I would suggest that you instruct your captains of loaded or partly loaded barges to take on pilots. Where the barges are without cargo, we will exempt them from pilotage. In this way proper precaution will have been taken and all disputes avoided.

I will be pleased to receive an early reply, stating that you acquiesce in the above suggestion.

Very truly, yours,

B. MICHEL, *Superintendent.*

Capt. MICHEL. I stated, also, that later, when they became more familiar with the conditions and realized that there was great danger of seriously affecting the interests of that port, they made some changes. Here is where one of the barges grounded which hastened a change.

Capt. SPENCER (reading):

PILOT TOWN, La., August 14, 1913.

To the BOARD OF PILOT COMMISSIONERS,
Port of New Orleans.

GENTLEMEN: I hereby report that the steamship *Socny*, while towing barge No. 85, grounded at the head of Southwest Pass on August 11, about 6 a. m. I spoke said steamer and was ordered aboard the barge by the captain of the steamer. After boarding the barge and seeing the course that the steamer was steering I signaled by means of the barge's whistle for the steamer to port her helm, but no attention was paid to the signal. I then advised the captain of the barge to stand by, to let go his hawser, and kept off the steamer's starboard quarter as far as possible. When the steamer grounded I let go the hawser, ported the helm, and went down Southwest Pass, and drifted down the pass about 2½ miles, then anchored the barge. The steamer floated about 11.30 p. m. We proceeded to sea 5 a. m. on the 12th.

Yours, respectfully,

A. P. MICHEL.

Capt. MICHEL. That was the State pilot there. That brought about an appeal from the Standard Oil Co. to place pilots on the steamers, which we agreed to do. Now, gentlemen, it must be plain that with the current that we have, say 5 miles an hour, any vessel making 8 miles an hour downstream, if the vessel grounds and the contentions of these gentlemen are correct, that vessel would have run right straight into the other vessel. Going 13 miles an hour means that they make over the ground 13. Not only if they did not sink, but what would happen to the hawser? The wire rope, the tow rope would immediately wind around the propeller of the vessel. She is helpless, and so would she be upon the high seas if anything made it necessary for the vessel to stop. So that you can see by that that the necessity exists in some places for pilots on barges and that the proper precautions should be taken on all vessels. We can not protect the passes at the mouth of the river by allowing people the privilege of experiments. That is why the law requires these vessels—

Mr. HARDY. Did you bring with you the letter from the Standard Oil Co. asking you for pilots on the steamers?

Capt. MICHEL. No, sir; they sent a man to New Orleans, and there was an arrangement made. I had occasion to go to New York to see the manager of the Southern Pacific with a view to having the pilotage increased. At the same time I visited the Standard Oil Co. and made arrangements.

Some years ago the Legislature of Louisiana appointed what was called a port investigating committee. It cost the city, I believe, \$100,000. During that time they had the question of pilotage before them. It had been thought that they would cut that down. We were confident that they would not, because we only had one pass open at that time. The shipping people knew that we were going to have another pass at which we would have to place another boat and a relief boat also. That is why we have four boats. The pilots had figured that it might be possible to lay a little money aside and have a much larger boat, believing that they were going to have many more larger ships. And as we render immediate service, it often saves a vessel thousands of dollars. This was known to the shipping people and every shipowner, ship agent, and the other interests pleaded with that commission not to reduce our pilotage. I have some papers on the subject. As it happens, I did not lose them.

Capt. SPENCER (reading):

S. OGERI & Co., IMPORTERS,
New Orleans, May 14, 1908. •

To the Chairman and Members Port Investigating Committee, City.

GENTLEMEN: Our attention has been directed to certain articles in the newspapers relative to the probable intention on the part of your committee to recommend that the bar pilotage rates at this port be reduced to \$4 instead of \$4.50 per foot.

When consideration is given to the present high state of efficiency of the service rendered by the bar pilots made possible by the proper maintenance of their expensive equipment of steamboats, the proposition to curtail their revenues appears to us to be inadvisable.

We feel confident that no first-class pilot service can be rendered at any port if the rates are so far reduced as to make the maintenance of the proper steamboat equipment an impossibility. This would seem to apply more strongly to the port of New Orleans than elsewhere, as the conditions under which the pilots are required to work are frequently difficult in the extreme.

The bar pilots have at all times promptly rendered the most adequate assistance with their boats day or night to all vessels needing it, a practice which is most valuable to vessels engaged in the importation of tropical fruit.

We therefore trust that all the facts in favor of the efficient services rendered by the bar pilots in possession of your commission will be taken into consideration and will be sufficient argument in favor of allowing the bar pilot rates at this port to remain undisturbed.

Very respectfully,

S. OTERI & Co.

Capt. MICHEL. That is a home firm. This is the Southern Pacific—

Mr. SMALL. Those are foreign steamers to which the letter you have just read applied, are they not—steamers engaged in the foreign trade?

Capt. MICHEL. Yes, sir. Sometimes they go to Mobile and other ports from ours.

Capt. SPENCER (reading):

SOUTHERN PACIFIC CO., ATLANTIC STEAMSHIP LINES,
New York, May 12, 1908.

PORT INVESTIGATING COMMITTEE,
Care of Board of Trade, New Orleans, La.

GENTLEMEN: From press reports I learn that your commission anticipates recommending a reduction in the bar pilotage rate, which, for important and obvious reasons, I believe would be a serious mistake, as it is a conceded fact that the pilotage to the mouth of the Mississippi River and through the Pass is more difficult than obtains at any other port in the United States, and that the bar pilot service is not surpassed by that of any other port.

While the Southern Pacific Co.'s ships, as coastwise ships, are by law exempt from pilotage, and their captains competent and experienced navigators and pilots, being required to pass in and out of Mississippi River more frequently than probably those of other vessels entering the port of New Orleans, we have always deemed it wise to employ the services of bar pilots in piloting our ships over the bar and through the Passes.

The Southern Pacific Co.'s large interests at stake naturally, therefore, induce it to have assured to its vessels the safest and quickest dispatch possible, and this it feels it enjoys under the present pilotage system.

Furthermore, the steam pilot boats operated by the bar pilots are most valuable adjuncts to the shipping interests of the port of New Orleans, being at all times readily available to render timely assistance to vessels in distress and in preventing accidents that might prove disastrous to both vessels and channels through the Passes.

This service should not be crippled in efficiency by any reduction in the pilotage rates and this is especially applicable at this time when conditions require the establishment of a pilot station at Southwest Pass and the maintaining there a more powerful steam pilot boat than now in service, as a greater depth in the channel will naturally result in the handling of larger and deeper draft vessels.

When Southwest Pass is first opened to commerce, no fog or other signals will then be established. The pilots will, therefore, be compelled to render the necessary signal service until the establishment of such signal by the Government.

Trusting that the facts cited above will be sufficient to convince your commission of the inadvisability of recommending any change in the bar pilotage rates or management at the port of New Orleans, I am,

Yours, truly,

C. W. JUNGEN, *Manager.*

Capt. MICHEL. I would like to say, gentlemen, in connection with this letter that this gentleman was a commander in the Navy and was considered a very competent man. He was induced to resign from the Navy to take charge of the Southern Pacific Co.

In further evidence, to show how valuable we are to the port, I will ask Capt. Spencer to read this.

Capt. SPENCER (reading):

To the PRESIDENT AND MEMBERS PORT INVESTIGATING COMMISSION,
New Orleans, La.

GENTLEMEN: We are the agents and underwriters for many home and foreign insurance companies. We are also agents for London Lloyds, the German underwriters, the New York and Boston boards for attention to cases of disaster and marine

losses in this district, and are, therefore, greatly interested in the question of pilotage at this port.

We feel that we now enjoy a perfect bar-pilot system, which owes its efficiency in a great measure to the method required by law of apprenticeship and training so essential to expert service, and also to the fine steam tugs operated by the bar pilots. Valuable assistance to vessels stranded or otherwise in distress is often rendered at great danger of disaster to the pilot boats—frequently without compensation—thus aiding the port in maintaining a reputation for having a safe entrance to its harbor and preventing the necessity for high insurance premiums. Whenever charges for such service were made by the pilots they have invariably been most satisfactory to our firm; in fact, they have been willing to accept such compensation as suggested by the agents of the vessels and ourselves.

In view of these facts we respectfully ask that no change be made in the present system.

There have been several serious losses while vessels were in charge of river pilots; therefore we believe that the present river-pilot system should be improved by legalizing the pilots and establishing rules that would require proper apprenticeship and training in order to qualify new members.

Very respectfully,

MARSHALL J. SMITH & Co. (LTD.),
W. J. FERGUSON, *President*.

NEW ORLEANS, La., May 21, 1908.

Capt. MICHEL. This gentleman is now dead. He was president of the board of underwriters just prior to his death. So important is that steam equipment, so important to our port is the fruit trade, that they have over half of the vessel trade into that port. Their vessels have often grounded at the mouth of the river, to the westward or to the eastward, in a fog. They are always in a hurry to get in, because they have perishable cargoes. On many occasions we went to their assistance. They, like other people who have appeared before this committee, thought we were legalized pirates and would not employ us for fear we would overcharge them or claim salvage. Here is a letter from the United Fruit Co.:

Capt. SPENCER [reading]:

UNITED FRUIT CO.,
New Orleans, La., June 15, 1911.

Capt. B. MICHEL,
President Bar Pilots' Association, City.

DEAR SIR: This letter will be your authority to render assistance to any of our steamers, incoming or outgoing, that may go ashore at or near the mouth of the river or adjacent thereto with the tugboats of the pilots' association, leaving the matter of compensation to be adjusted between us afterwards.

I do this in order not to cause any delay in the case of accidents and to avoid the refusal on the part of our captains to allow you to assist them.

This letter cancels my previous letter of April 22, 1907, and only applies to vessels owned by our company, and not chartered vessels, as we have no control over the latter, in the same manner as did my letter of April 22, 1907.

Yours, very truly,

C. H. ELLIS, *Manager*.

Capt. MICHEL. He is now vice president of that company.

The board of trade on two or three occasions visited the mouth of the river, inspected the conditions there with a view of advertising the advantages of the port and the safe navigation of their entrance. Here is a letter to the chairman of that investigating committee:

Capt. SPENCER (reading):

LUKENS IRON & STEEL CO.,
New Orleans, June 20, 1908.

Hon. C. C. CORDILL,
Chairman, and Gentlemen of the Port Investigation Commission, City.

GENTLEMEN: On September 15, 1904, I was chairman of a committee appointed by the board of trade to investigate conditions in the lower Mississippi River. The gentlemen of the committee and newspaper representatives made a complete tour of

inspection at the mouth of the river, and on that occasion, as a result of our investigation, congratulate the bar pilots on the perfectness of their service and on the general efficiency of their men and equipment. We found that they had, at that time, and still have a most complete equipment at the mouth of the Mississippi to take care of steamers in times of calm as well as in times of tempest. There is an element of security that surrounds their effort that must certainly give confidence to the shipping world.

Our committee, at that time, recommended to everybody interested the perfectness of the conditions and equipment of the bar pilots. Great foresight has been exercised by them and they have an equipment that represents at least \$150,000, part of it being three efficient tugs that are at all times ready to help steamers that are aground or otherwise in distress. One of them they use constantly for making soundings on the bar and through the passes. Most of this equipment is not required by law, but has been put there because these expert pilots realize the necessity. They have ever displayed a zeal and intelligence in the management of their business that is very commendable, and we fear that if there is any change made in the charges or in the present law that regulates this body, it will prove disastrous to the growing interests of this port.

The importance of having at the mouth of the river the equipment and service of an organization like the branch pilots as now constituted, can not well be overestimated.

Again in September, 1907, the board of trade appointed a committee, of which the undersigned was chairman. The object of this committee was to make a tour of investigation of conditions at the mouth of the passes. We again had occasion to visit the stations of the bar pilots. Everything was found in the same excellent condition and the same excellent service was being given as on our previous trip mentioned.

I therefore strongly recommend to the commission that they heartily endorse the present bar-pilot system and that no changes be made in the present charges, which from personal investigation of their books and accounts, were not found to be excessive.

Respectfully,

JAMES W. PORCH, *Chairman.*

I approve of the above and strongly recommend that no changes be made at this time.

PHILIP WERLEIN,
President Progressive Union.

Capt. MICHEL. It is now the association of commerce at the port of New Orleans. I very recently had complaints from the United States Government engineer for a violation of the regulations for navigation of the passes which have been adopted by the Secretary of War under an act of Congress. There have been frequent complaints about these barges violating the rules, and until it was thoroughly understood by the captains of the tugs our vessels had to anchor at the head of the pass. We give a night and day service when it is possible. We often have fogs there that last for a week. This is due to the fresh and salt water coming together. It often clears up, however, so that we can see the light in the night, and we take them out. But when we knew we would meet any of these barges without a pilot, not knowing the exact place to stop, those vessels had to anchor. We have had many complaints from the ship agents for doing so, complaining that we should pay them \$1,000 for the demurrage. I doubt that they had lost that much on account of anchoring for the 12 hours. However, they made that claim and I have the correspondence.

Now, we have a telephone system. It is operated by the board of trade at a great expense.

Mr. HARDY. Before you get away from that, what kind of a claim was that for \$1,000? What was it for?

Capt. MICHEL. For demurrage.

Mr. HARDY. Against whom?

Capt. MICHEL. Against the pilots. They suggested in the letter that we ought to pay them that for detaining this vessel, as they claimed, for 12 hours; but it was about 8. And we could not enter that pass with safety.

Mr. HARDY. Do you mean to say by that that the vessel anchored at the suggestion of the pilot?

Capt. MICHEL. Of the pilot; yes, sir. He had full charge and would not take her out. Had he taken the vessel out, and could have done so with safety, he would have finished his job and gone to the bottom of the slate.

Mr. HARDY. How would your association be responsible in damages for demurrage, or anything of that kind, by the use of bad judgment in keeping a vessel anchored when it ought to have been carried out?

Capt. MICHEL. We are responsible to the extent of \$2,000. If a vessel meets with an accident passing through the passes, and she has a pilot on board, the insurance company is responsible.

We maintain, as I said, this telephone system. We pay the company \$25 a month. We built an office at each end of the pass. We board and lodge the operators. We deliver important messages to steamers that may anchor there or that may anchor out in the bays, outside of the passes. We do that without any charge. So that when a barge or sailing vessel or any other craft enters the mouth of the Mississippi River we know her name, we know her draft, we know whether she has a pilot on board of her or not, and if one of our pilots is on board we know his name, and if none of our pilots is on that vessel we do not go down the pass.

Mr. HARDY. Is your association incorporated?

Capt. MICHEL. No, sir. Our association is a voluntary, private association, just as a gymnastic club would be. The pilots at the different ports have to maintain an equipment for their services.

Mr. HARDY. There is no responsibility, though, as an association?

Capt. MICHEL. Yes; I think there would be; yes, sir. We have been sued. We paid one vessel \$3,500 as a compromise when I had employed two Government pilots to take the pilot boat to the city with the remains of one of our deceased members. I was on the boat, was master of her, and employed these two pilots because it was foggy, and there was much drift in the river. That pilot boat ran into a vessel, cutting a hole in her side, and doing at least \$10,000 damage to the pilot boat—knocked her bow off. The pilots paid for that and paid \$3,500 for the damage to the ship.

Mr. SMALL. Now, Captain, that action for damages was in the shape of a libel in rem against the pilot boat, was it not?

Capt. MICHEL. Against the Pilot Association.

Mr. SMALL. Was it not brought in the United States court?

Capt. MICHEL. Yes, sir.

Mr. SMALL. Was not there a libel?

Capt. MICHEL. There was a libel on our boat; yes.

Mr. SMALL. A libel on the pilot boat?

Capt. MICHEL. Yes.

Mr. SMALL. She was attached?

Capt. MICHEL. Yes, sir.

Mr. SMALL. Are you not aware that the Supreme Court of the United States has held that as to these pilotage associations they are not liable as associations and that whatever liability exists is against

the individual members of the associations, and if any judgment is obtained against them for damages, the possibility of collection depends upon the financial ability of the individual pilots to respond?

Capt. MICHEL. Yes, sir. In connection with that, if we are sued—

Mr. SMALL. Just one other question. This liability or penalty of \$2,000 which you say exists is imposed under the State law of Louisiana, is it not?

Capt. MICHEL. Yes, sir.

Mr. SMALL. The statute makes \$2,000 the limit of liability. That is a statutory liability. That is the limit of liability?

Capt. MICHEL. Yes, sir.

Mr. SMALL. \$2,000?

Capt. MICHEL. Yes, sir.

Mr. SMALL. Is that in the shape of a penalty to be collected against the person, or is it in the shape of a judgment in personam against the individual pilot?

Capt. MICHEL. Against the individual pilot.

Mr. SMALL. Then if the individual pilot has not sufficient property to respond in damages at the end of an execution, it can not be collected; is that right?

Capt. MICHEL. It might be collected to the extent of that \$2,000 bond and \$5,000 interest in the pilots' association.

Mr. SMALL. Is a pilot required to give a bond?

Capt. MICHEL. Yes, sir.

Mr. SMALL. To the State?

Capt. MICHEL. Yes, sir.

Mr. SMALL. It is to protect against damages to the limit of \$2,000?

Capt. MICHEL. Yes, sir. That is the real damages where it is accounted for.

Mr. SMALL. So that the liability exists against the individual pilot by reason of that bond and only to the extent of \$2,000?

Capt. MICHEL. Yes, sir.

Now, Mr. Small, you might be able to enlighten the committee as to the extent of the damage to that vessel if we had not compromised. To what extent could they have claimed against the *Underwriter*?

Mr. SMALL. Before you divert to another subject, this law of which you are speaking of course is local to the State of Louisiana?

Capt. MICHEL. Yes, sir. In our case the *Underwriter*, running into this ship—to what extent would we be liable to that ship? Would it be the value of the *Underwriter* or could they—

Mr. HARDY. *Underwriter* is the name of the vessel, is it not?

Capt. MICHEL. Yes, sir.

Mr. SMALL. Is *Underwriter* the name of your pilot boat?

Capt. MICHEL. That collided with this ship; yes, sir.

Mr. SMALL. The limit of liability in the maritime law would be the value of the ship.

Capt. MICHEL. The value of the *Underwriter*?

Mr. SMALL. Yes; if that is her name—the value of the pilot boat?

Capt. MICHEL. Yes, sir. Now would not the idea be suggested to you that if one of these barges, valued at \$15,000, was to be the cause of sinking a vessel valued at \$5,000,000, that you could only claim the value of the barge? Would not that apply under the law in the barge case?

Mr. SMALL. If you ask my opinion of the law, I would say that if this demurrage occurred while the State pilot was in charge of the boat, then that would absolve from liability the owner of the barge and the owner of the tug and would limit any liability to that of the individual pilot or any action in rem by way of a libel against the steamer, and then the amount to be recovered limited to the value of the steamer or the pilot boat.

Capt. MICHEL. Then, if a pilot was aboard of the barge the barge would be relieved from that same responsibility.

Now, I have something in connection with the barges. It occurred recently, and in which I did everything I could to prevent a heavy fine being imposed on the barges.

Capt. SPENCER (reading):

ASSOCIATED BRANCH PILOTS,
New Orleans, January 13, 1916.

Maj. EDWARD H. SCHULZ,
Corps of Engineers, 325 Customhouse, New Orleans, La.

DEAR SIR: I have your letter of the 11th instant, inclosing letter from Mr. H. M. Eldredge, agent of the Texas Oil Co., relative to a violation of the rules governing the navigation of Southwest Pass.

In reply, I beg to state that Capt. Proctor, the pilot in charge of the vessel referred to, will be in the city to-morrow, and your letter will be submitted to him with requests that he reply thereto.

I learned that on the outward passage of the tow the towboats towed both vessels astern on a hawser. Upon inquiry as to the cause, the pilot stated that there had been a heavy southwest wind blowing up the pass on the day previous, causing a ground swell, which had not subsided, notwithstanding the wind had changed to northwest, thus making it impossible to tow one barge out alongside without running the risk of doing great damage to the barge and tug. This condition exists quite often at Southwest Pass, due to its width and exposure, hence some of the rules may have been somewhat violated. Under such extenuating conditions I would ask that you make liberal allowance, as you have previously done. On this particular trip and on the outward voyage the pilot notified the captain that it was a violation of the rules, which was all the pilot could do. Had the captain towed one of these vessels out on a hawser, anchored her outside, and returned for the other, it would then have been difficult to make up his tow when he returned with the second barge, owing to rough weather. Rule 8 is eminently proper for the safe navigation of the channel, and these barges, having no self-propulsion, are extremely dangerous to other deep vessels navigating these channels during the time of counter-currents and whirls and eddies that almost always exist in the passes.

Trusting the above explanation, together with the statement from Pilot Proctor, will prove satisfactory, I am,

Yours, very truly,

V. MICHEL, *Superintendent.*

Mr. SMALL. The regulations referred to there are the regulations formulated and promulgated by the War Department, are they not?

Capt. MICHEL. Yes, sir; to regulate sailing vessels and tows.

Mr. SMALL. In the Passes?

Capt. MICHEL. Yes, sir; here is one: The sailing vessel at the port of New Orleans is not allowed to go down the Pass at night.

Capt. SPENCER. This comes under the rule for regulating the navigation of the South Pass of the Mississippi River (reading):

Seagoing vessels are not permitted to sail down the Pass after dark or up the Pass farther than the designated anchorage. When towed after dark not more than one such vessel, oil barge, or other craft shall be towed at the same time, either in or out, and that must be towed alongside the towboat. During daylight not more than two such vessels, oil barges, or other craft shall be towed through South Pass, either in or out, at the same time, and one of these shall be towed alongside the towboat, and the other on a hawser.

Capt. MICHEL. That is the South Pass. Here are the rules for the Southwest Pass, under the same provision:

Capt. SPENCER (reading):

8. Not more than one sailing vessel, barge, or other craft shall be towed after dark at the same time, either in or out, and must be towed either alongside or on a short hawser. During daylight not more than two such vessels, barges, or other craft shall be towed through the Pass, either in or out, at the same time, and in such case one of these shall be towed alongside of the towboat and the other on a short hawser.

Mr. SMALL. Those are also regulations by the War Department?

Capt. MICHEL. Yes, sir; they are offered in evidence to show that it is dangerous for those vessels to navigate the Passes only under certain conditions.

Mr. SMALL. And those regulations are controlling upon the State pilots?

Capt. MICHEL. Upon all vessels.

Mr. SMALL. And the State pilots have to be governed by them also?

Capt. MICHEL. Yes, sir; a great deal has been said about Government pilots being competent to navigate in any waters or in any harbors if licensed by the local inspectors. Many years ago our trade to New Orleans—the shipping trade—was in sailing vessels, and at that time they had 13 or 14 or 15 tugboats, all having splendid masters and pilots, and all able to handle their tugs well, and I considered them experts. Those tugs—some of them—were 80 feet long and others from 100 to 150 feet. But now the sailing vessel has gone out of business, so to speak, and steam has taken the place of those vessels, and these men who had been on the tugs engaged in the piloting business at that port and piloted the ships from our pilot station to the city. During a very short time there was very much complaint about this system. The shipping people demanded that these men be legalized and be controlled by the State or governed by the State. You can see from the letter of those insurance people that it was necessary to create this system.

There was a collision with the steamship *Bratton* with a barge and towboat owned by Christie & Lowe, where the steamer had a hole knocked in her.

The steamship *Etta*, of the United Fruit Co., and another vessel, while leaving the wharf and proceeding down the river, met at the point the steamship *Galicia*. This steamer sank the *Etta*—that is, run into her—and before she got down in the deep water the tug had towed her into the bank. She afterwards was raised. There were quite a number of accidents that happened, and I will cite just a few of them.

There was a three or four masted schooner, called the *Donna Christina*, which sailed in the Pass without a pilot. At that time they paid us for pilotage if we presented the bill. This vessel got up in the Pass and became wind-bound and was affected by the current, but did manage to get in close to the bank. The steamship *El Rio*, coming up that narrow Pass, created a suction, so that when she got close to her this schooner was sucked out from the bank and the *El Rio* carried away all the head of the vessel and had to pay for her.

Another similar accident happened to the steamship *El Marta*. That vessel had come in without a pilot.

A French man-of-war came to New Orleans about the same time and met the American steamship *Hugomo*, both vessels having a Govern-

ment pilot. The French steamer sank the *Hugomo*, and she never was raised.

Shortly after that the *Magnolia* and the *Sparto* collided; the *Magnolia* a lighthouse vessel and the *Sparto* owned by the United Fruit Co. The *Magnolia* had the President of the United States on board, Mr. Roosevelt. That vessel was sunk and had to be run into the bank.

Mr. BYRNES. He was not on there then, was he?

Capt. MICHEL. Yes, sir; he was on the vessel.

Mr. BYRNES. At the time that she sank?

Capt. MICHEL. Yes, sir.

Mr. BYRNES. What became of him; I thought he was still around here?

Capt. MICHEL. I say she sank on the bank, and stopped when she got to the bottom—they ran her ashore. Now, the steamship *Graham* left the wharf with one of those pilots on board. He thought he, like a tugboat, could swing around the wharf and proceed down the river, and he let out all the lines to swing around with this five-mile current and went broadside into a steamer laying at anchor, and she sank.

Shortly after one of those serious accidents, the *Hugomo*, the legislature met and created a pilot system. That was in 1908. Since that time no accidents have happened of any consequence. The first serious accident—in fact, the only serious accident that has happened, I think—was last March, at the mouth of the river. One of our pilots, a State pilot, boarded a large ship, the *Parisian*, I think her name was. She is a British prize. He attempted to take her out in the night, and in turning this corner of the jetties the current was so strong that it pushed him away down on this flat that I described this morning, right at the jetties. At the request of the agent of that ship, the pilot was relieved. It was believed that he would be upset and another pilot might use good judgment in getting the vessel off. I granted that request and he came ashore. He went to the head of the shore and boarded another vessel, a fruit steamer, and proceeded down the Pass. It was getting foggy, and he thought he would get out as quick as he could, and he grazed those jetties and he could not recover. He ran into that ship that he had grounded and cut a hole in her 25 feet deep, I believe; and if she had not been on the bottom she would have sunk there. I suppose you all read of that. That was because the pilot went too fast. He had been suspended, and since then the governor wired me that he reinstated him on the 1st of January.

After backing away from this ship, with her bow all twisted to one side, he proceeded up to the eastward in the proper channel, in the proper way, going to anchor, and there was an American vessel lying there ringing a bell. It had a Government pilot on and the captain piloted his own vessel. This vessel that had the collision at that time, her bow was knocked to one side and it made a tremendous noise. The captain of the vessel, the *Weems* I think it was, anchored in the fairway there and, hearing a vessel coming, made no noise whatever, only this bell. The captain was under the impression that under the United States inspection laws he was not allowed to blow a whistle (and they are not allowed to blow certain whistles, that is,

whistles that they can use only when they are navigating, when they are going ahead) but they are allowed a discretion in the matter and are required to do everything they can to avoid a collision. They heard this noise coming, and admitted it, and admitted that they were in the fairway and they allowed that ship to come on making all that noise, making it impossible for her to hear that vessel, and that same ship sank that one, sank the *Weems* with the Government pilot on her, anchored in the fairway. And now, when we can, we notify those ships. We know that these men have to take the ships in; that if they did not, the owners would put somebody else there that would, and so we help them out. But on this occasion the pilot boat went close to her and told him to look out, that there were some ships coming down. I afterwards thought they should have told her to get out of the way. They did on one occasion, and during the investigation we asked him why he did not. He said, "Why shouldn't I get out of the Gulf." Now, if one of our pilots had been on board of that vessel and had not blown his whistle—any noise at all would have saved the whole thing—if he had not done it he would have lost his commission entirely.

Mr. SMALL. This particular Government pilot, in this case which you have just cited, failed to observe the regulations of the United States Steamboat-Inspection Service?

Capt. MICHEL. No, sir; he thought he was observing them.

Mr. SMALL. I am not speaking of what he thought; he actually did fail to observe them, did he not?

Capt. MICHEL. I started to say the United States Inspection Service make rules and regulations for safe navigation to cover every possible emergency.

Mr. BYRNES. You do not catch the question. He wants to know whether the man did or did not observe the United States regulations in that instance?

Mr. SMALL. He said he did not.

Capt. MICHEL. Having a discretion, he should have made this noise. That is what I contended, that he should have used his own judgment. He is permitted to do that by the inspectors or by the rules of navigation.

Mr. SMALL. That is, the rules of the Steamboat Inspection Service?

Capt. MICHEL. Yes. Now, I am pretty near exhausted, gentlemen. Sometime ago a bill was introduced in the Senate, and the Senate committee, I believe, wanted some information as to its operation, and so on, and it affected the pilots of the country and the letter speaks for itself.

Capt. SPENCER [reading]:

DECEMBER 19, 1913.

Hon. KNUTE NELSON,

Chairman Committee on Commerce, United States Senate,

Washington, D. C.

SIR: The department has the honor to acknowledge the committee's letter of December 9, 1912, inclosing bill S. 7629, "To provide for the further Federal regulation of pilotage," and requesting that the committee be furnished with such suggestions as may be deemed proper touching the merits of the bill and the propriety of its passage.

A careful analysis of the bill suggests that its effect will be to take from the several States the authority which they have exercised since 1789 of regulating their pilotage systems and place it under the jurisdiction of the Federal Government, the only exception to this authority being section 51 of the act of Congress approved February 28, 1871, now section 4401, Revised Statutes, in which it is provided that "every coast-wise

sea-going steam vessel subject to the navigation laws of the United States, and to the rules and regulations aforesaid, not sailing under register, shall, when under way, except on the high seas, be under the control and direction of pilots licensed by the inspectors of steamboats."

Under these State laws the pilotage system has been maintained at a high standard of efficiency, rates have been kept down to a reasonable figure, consistent with good service, and the maintenance of the equipment assured by stringent regulations respecting the number and character of pilot boats, extent of cruising grounds, location of stations, etc.

In some States the compulsory feature of pilotage extends farther than in others, which is no doubt necessary for the maintenance of this important adjunct to the commerce of the various ports, and if this feature were distressing in its effect, it would seem that the various commercial bodies of the ports affected would offer strenuous and effective protests to this proposition, but it is believed that these bodies do not think the pilotage system embarrassing or onerous. Efforts have been made from time to time by vessel owners to have Congress enact legislation affecting the State pilotage system, by exempting certain vessels from compulsory service, reduction of rates, placing the service under Federal jurisdiction, etc., but so far these efforts have been unavailing from the fact that it could not be shown that such changes were either necessary or beneficial to commercial interests.

The bill in its present form is so vague that even were it enacted there is no possibility of its execution. No provision is made for the supervision of the service after the change from the old and creation of the new conditions, no appropriation from which to meet expenses, and no provision whatever for the general administration of the law.

In my opinion, the legislation is unnecessary, and I believe the regulation of the pilotage system should be left with the several States. I therefore can not approve the bill.

Respectfully,

CHARLES NAGEL,

Secretary Department of Commerce and Labor.

Capt. MICHEL. And here is one of the documents I desire to be read.

Capt. SPENCER [reading]:

The pilots and shipping interests at some of the ports, and especially the southern ports, are now suffering great financial loss, due to the European war, which has caused a suspension of much of the over-seas shipments from the Gulf ports. You are familiar with the paralysis that has occurred in the cotton and lumber export trade. It would therefore be unfair to suggest that any proper source of revenue remaining to these interests during such trying times be suddenly discontinued, especially when the innovation urged would seriously operate against the safe navigation of many of the channels leading to the ports.

Where changes in the pilot laws are manifestly needed to meet changed conditions at any of the seaports, such changes can and should be made by the State governments.

The CHAIRMAN. Who is the author of that?

Capt. MICHEL. That is from me, sir. Mr. Chairman, I have been sick, as I wrote you, and I am a little exhausted now, and I would like to ask your indulgence to hear me again; but I would like to put on some of the gentlemen who are here now.

Mr. SMALL. Mr. Chairman, Mr. Fallon is here and is obliged to take a train this afternoon. Would Capt. Michel or the committee object to his making a brief statement now?

The CHAIRMAN. Very well; I told him a while ago he might, under the circumstances.

Capt. MICHEL. Mr. Chairman, may I have the privilege of questioning the gentleman?

The CHAIRMAN. Yes.

**STATEMENT OF MR. E. M. FALLON, GENERAL MANAGER OF
THE GEORGE R. DILKES & CO., STEAMSHIP AGENTS AND
FORWARDERS, OF PHILADELPHIA AND BALTIMORE.**

Mr. FALLON. Gentlemen, we are engaged in the coastwise shipping business, both by steamers and by barges. The situation in the steamship business, as I presume you gentlemen pretty well know, is that there is a great scarcity of bottoms. People have been forced to do things in the shipping business that have not been done before, as a general proposition, and they are laboring under a great stress now to make the present tonnage meet the demands.

Along those lines we have been compelled to tow barges behind our steamers. We have towed not only one barge, but we have towed two barges. Our business is largely between northern ports and ports in Florida. We have been put to quite some embarrassment and confusion by reason of the present pilotage laws of the States.

Mr. SMALL. Your transportation, as I understand, is entirely coastwise—outside?

Mr. FALLON. Entirely coastwise; yes, sir. But our feeling is that the pilots have a worthy function. We have always had a friendly feeling for them; but there have been times when the actions of certain pilots—I might say that I do not believe they were organized—have been very embarrassing, and I want to tell you about those.

I was at Key West along the middle of last November, when our steamer put in there with two barges. The tide was about right, and as she was approaching the port she was spoken some distance from the port by the pilot boat. The pilot boat approached the barges when the steamer had passed and the barges, of course, could not slow down to take them on. The captain of the steamer was a licensed pilot for the port of Key West and very familiar with the place.

Mr. SMALL. Under a Government license?

Mr. FALLON. Under a Government license; yes, sir. We proceeded, and later in the day the pilots came up to the port and asked for the payment of the pilotage fees. We were unable to identify the particular pilot and inasmuch as I was there the captain asked for advice. I was stumped to know what to do. We had been up to paying pilotage twice, where we were unable to identify the pilots.

Mr. SMALL. That is, more than one pilot claiming pilotage fees?

Mr. FALLON. Yes; more than one pilot claiming pilotage fees. So the pilots felt that it would be well to post us on the law. And we saw Judge Harris there at Key West, and he told us that it was a fact that the pilots could claim and obtain pilotage on the boats even if they had not properly served the boats.

Mr. SMALL. If they had not served the boats?

Mr. FALLON. Yes; if they had spoken them, you know, but had not served the boats. The pilots, however, agreed to waive pilotage outward, at least one pilotage. But it looked a little inconsistent to me that they could demand in one place and waive in another, but the attorney there, Judge Harris, said it was true that that was the condition of the State laws of Florida.

Following this, in December, one of our steamers put in with two barges at the same port of Key West. Some distance from the port, I do not know how far (perhaps 30 or 40 miles), they were spoken about 3 a. m. in the morning by the pilot boat. But they were not

expecting the pilot boat to be out that distance and did not attempt to slow down or stop. They did stop at the bar. The pilot boat, at least one of them (there were several there), came alongside and spoke again. The captain refused the services of the pilot. Of course we knew we had to pay it; but they did not need the services of the pilot and refused them. Shortly following this one of the pilots spoke the steamer. The captain of the steamer said to the pilot that he had been spoken and that the barges had been spoken. He did not know if the barges had taken a pilot but made the statement that the pilot might go alongside and see. The second pilot approached the first barge and went aboard and informed the captain of the first barge that he had been sent there by the steamer. The captain of the steamer is in control of the barges, you understand, and is usually in command of the fleet. The barge captains abide by his decisions in all matters of that kind. The captain of the barge informed the pilot that he had been spoken and had refused the services of the pilot and did not need the second pilot. The second pilot, however, said he had been sent there by the captain and insisted on accompanying the barge up to the city. On arrival at the city, the captain of the barge approved the pilotage bill of the first pilot as he was required to do under the law. The second pilot, however, having come up on the boat, claimed pilotage as well and he libelled the boat and there we were up to paying for the services of two pilots when, as a matter of fact, we did not need the services of either.

Now, Florida is a long ways. The amount involved is not very much, perhaps \$125, but it is something which is very annoying to us to stand. We have either to go down there or to engage an attorney and collect evidence and affidavits, and things of that kind. And we have been put to trouble of that kind by reason of the compulsory pilotage laws, and we contend that it should be left discretionary to the captains of the vessels that if they want a pilot they should be able to take one; but they should not be forced to pay the bill when the pilots do not and can not render service.

MR. SMALL. You are referring particularly to compulsory pilotage on barges?

MR. FALLON. On barges; yes, sir.

CAPT. MICHEL. That was an evil existing in the ports in Florida?

MR. FALLON. This was in Florida; yes, sir.

CAPT. MICHEL. Did you make any attempt to correct that in Florida? Did you report that to any of the interests?

MR. FALLON. There is no pilot association at Key West, as I understand it. I have never been able to locate any authorities there. Perhaps it is outside of the pilot commission. I think that is a State commission.

I do not believe we had any discretion in the matter. The attorney informed us that that was the law, that the pilot could not only collect pilotage on one vessel, but he could do so on two vessels, although he could not serve but the one. He cited a case of that kind. I think it was a Standard Oil vessel, a steamer that had come in there and a single pilot had spoken the steamer, and had been refused, and had spoken the barge and had been refused. A second pilot spoke the barge and was refused. Both pilots claimed pilotage. The first pilot claimed pilotage on both the vessels and the second

pilot claimed pilotage on the second vessel. They contended that one pilot could not claim pilotage on both vessels and that case was put up to the court and the court decided that the first pilot could collect and he did collect and was given the award of pilotage on both vessels.

Mr. BYRNES. But did not give the second pilot?

Mr. FALLON. The second pilot got no pilotage.

Mr. BYRNES. In your case, then, there was no necessity for you to pay the two of them?

Mr. FALLON. We were under this condition——

Mr. SMALL. You are using the word "vessel," you mean "barges"?

Mr. FALLON. Yes, sir; barges. The second pilot coming to the barge represented that the captain of the steamer had sent him there and stayed aboard rather against the desires of the captain of the barge. The captain of the barge informed the second pilot that he had refused the services of the first pilot and he therefore could not take him nor use him. But he stayed aboard on the representation that the captain of the steamer had sent him there and, having come up on the vessel, he claimed he was entitled to pilotage.

Mr. BYRNES. He claimed it, but what did you pay him for?

Mr. FALLON. We did not pay him and he libeled the vessel. And the case is coming up in the court.

Mr. LAZARO. Was not the pilot trying to comply with the State law?

Mr. FALLON. He was not. The State law provided that the vessel, after being spoken, would be obliged to pay the pilotage even if they did not accept the pilot.

Mr. HARDY. You do not understand. He paid the first man who spoke the vessel.

Mr. BYRNES. Yes, he paid the first man who spoke the vessel; but under the law he had to pay the first man but was not obliged to pay the second man?

Mr. HARDY. That is in court now.

Mr. SMALL. That is your contention; but, on the other hand, the pilots are claiming you are liable for the second pilot also?

Mr. BYRNES. Do they claim you had to pay the two men?

Mr. FALLON. Yes, sir.

Mr. BYRNES. One pilot claims that, this one fellow who wants that money?

Mr. FALLON. There is no association there, as I understand.

Mr. BYRNES. No association says you ought to pay two men?

Mr. FALLON. No, sir.

Mr. SMALL. But in this case, as I understand, one pilot claims pilotage on the two barges?

Mr. FALLON. Yes, sir.

Mr. SMALL. And another pilot claimed a pilotage on one of the barges also?

Mr. FALLON. Yes, sir.

Mr. SMALL. You paid the pilot's claim on the two barges, and you are contesting the pilot's claim on the one barge?

Mr. FALLON. Exactly.

Mr. BYRNES. Your claim is that it ought to be discretionary?

Mr. FALLON. We feel that we should not be compelled to pay for services that, in our judgment, can not be rendered.

Mr. BYRNES. Suppose you went down there and it was discretionary and two pilots called to you and you thought that pilot A talked to you first and you agreed to pay him for pilotage, and pilot B thought he got there first and he went and sued you and libeled you. There is nothing to prevent him from doing it and from trying to collect it from you?

Mr. FALLON. Not a thing in the world. We have not any definite means of determining whether pilot A or pilot B spoke the barge first. They often speak it at night or early in the morning, or when the vessel is approaching port. They may be some distance from the boat, and they are unable to tell definitely which pilot spoke her, and yet they make a claim for pilotage when we get into port, and we are compelled to pay, under the law, one of them.

Mr. BYRNES. So you are in danger of being sued wrongfully under any circumstances?

Mr. FALLON. We are.

The CHAIRMAN. Why do you not go into the court and contest the payment of the fee and ask the court to find out to whom to pay it?

Mr. FALLON. The same case was up before, when two pilots claimed they had spoken the vessel, a Standard Oil boat, as I understand it, and they put the money up in escrow in the hands of the court and let the court decide.

Mr. HARDY. Let me ask you about another thing: In those cases, if you are going to have to pay although you refuse the service, why do you not make them get on and do the work. Then you would have them there, and know which one it is.

Mr. FALLON. The control of barges is absolute, under most normal circumstances. It is a practicable thing to tow barges. I think that is generally conceded. But there is this to be thought of, that every time you undertake to slow your barges up or stop them you are jeopardizing your property to some extent. It may be small, yet you know you do not control a barge as you would a vessel with power. I quite agree with the captain on that, and for that very reason it is very difficult to stop under certain circumstances at a port and to pick up the pilot without the conditions are right and the master of the vessel is a pilot, as he should be, and he knows these ports and he goes right through without any stops. That is a question of whether it is practicable or not—whether you pick them up.

Mr. SMALL. Assuming that a tug has a Government licensed pilot on board, and further assuming that this licensed pilot knows the channel into the port, is there any necessity for a pilot on any one of the barges?

Mr. FALLON. I should say not. The barges can only go where the steamer will take them. It is to be assumed that the officer or pilot in command of the steam vessel entering that port knows his business; that he knows how to take the barges in there. And the pilot on the barge can not very well control or change the course of that vessel. He might, in the event of a very severe mistake, cause the barge to let go of her hawser, and to try to anchor without grounding her; but that is a difficult thing to do.

Mr. CURRY. Does compulsory pilotage increase the freight rates?

Mr. FALLON. It does not. I should say not. It might be that it does on short hauls. But our business is rather a long-haul business. The towing of barges between Gulf and north Atlantic ports has

been done successfully under certain circumstances. And it is the coming means of transportation. It is the most economical form of transportation that has yet been devised. Now the towing of barges on short hauls, perhaps, from North Carolina to Norfolk, where we work for part of the way on the inside waters, I should say that the cost of \$50 pilotage would affect the freight rate. It is bound to make itself felt where the rate is very low.

Mr. CURRY. Has the freight rate been increased lately?

Mr. FALLON. By reason of the pilotage?

Mr. CURRY. No; for any reason?

Mr. FALLON. The freight rates have been increased by reason of the demand for bottoms.

Mr. BYRNES. I am very much interested in the question somebody asked here (I believe my friend here). You say on the long haul it would not increase the rate. Why not?

Mr. FALLON. It is to be assumed that on the long haul a large property would be in service. For instance, our steamer towing two barges is of 4,000 tons capacity. She tows a barge of 3,500 tons capacity and one of 2,500 tons capacity. She raises them from a 4,000-ton unit to practically a 10,000-ton unit. On 10,000 tons, I am frank to say, that the matter of pilotage would not be a considerable item in the freight, but I will say this, that in compiling rates all the factors that enter into the cost are looked up before the rate is made.

Mr. CURRY. Has there been any increase in the cost of maintaining and operating these boats recently?

Mr. FALLON. Yes; the seamen's law, of course, has increased the cost of operation.

Mr. CURRY. How?

Mr. FALLON. Well, the third officer is one item. The next is the difficulty of getting satisfactory seamen, due to the fact that the able-bodied seaman now possesses a certificate. That has a psychological effect upon the men, and they feel that where they have a certificate now and where they did not have one before that they are entitled to a little more money.

Mr. CURRY. How much?

Mr. FALLON. Of course the law of supply and demand operates there; but I should say, based upon the fact that the man has a certificate, he is demanding \$5 a month more.

The CHAIRMAN. Is there not a psychological effect growing out of the condition in the ocean commerce, which justifies you gentlemen in charging from 100 to 1,000 per cent more freight rates now?

Mr. FALLON. Not at all; that is a question of demand.

The CHAIRMAN. Is that not shared by the seamen?

Mr. FALLON. Not at all; that is a question of demand.

The CHAIRMAN. I say that is shared by the seamen. They think they ought to share your prosperity to some extent?

Mr. FALLON. Generally speaking, the rates are very high; but it may be interesting to you to know a great deal of trade is still being carried on this coast to-day on rates as low as they were a year or a year and a half ago. It is only spasmodic business that is paying high rates.

Mr. HARDY. They raised them up very high immediately on the declaration of war, did they not?

Mr. FALLON. Following the war the rates were very low.

Mr. HARDY. Do you think they are as low now as they were before the war?

Mr. FALLON. Not in the open market; but conditions of competition very often force operators of steamers to take very much lower rates than in open market. We have carried freight as low, to the 31st day of December of this year, as we carried at any time in the last five years. And that was during the period when the open market, so called, was rather high. That is a condition of competition.

Mr. HARDY. That is where you just carried something along as a little filler, or something of that sort?

Mr. FALLON. No, sir; the steamer is largely in competition with the railroads. And if the railroad rates do not advance, we can not advance ours.

Mr. HARDY. Do you mean that the steamboat rates, the water rates, ever have to be lowered to meet railroad rates?

Mr. FALLON. It is quite true in this case, in very many instances. We have to compete with territories and, for instance, if we go in to-day to carry 100,000 tons of coal for the Atlantic Coast Line Railroad from Tampa, we have to compete with the price of coal and the rate of transportation from Birmingham to get that business.

Mr. HARDY. That is not with the railroad carrying the same freight from the same point that you do, but with the railroad carrying freight from somewhere else?

Mr. FALLON. Exactly. But, taking it in the opposite direction, our rates are limited by the rates from Florida to the North. They are limited to-day.

The CHAIRMAN. Let me suggest that we are getting somewhat afield now. Let us stick to the text.

Mr. FALLON. Yes, sir; but, Mr. Chairman——

The CHAIRMAN. The question now is whether or not pilotage should be charged on these barges in tow.

Mr. FALLON. But the question of rates is pertinent in this way, that while the present high rates prevailing for bottom is not entirely true of the coastwise traffic, still we are affected by any burdensome laws in respect to those rates, without regard to the present market.

The CHAIRMAN. Well, there is no necessity for the pilotage, without reference to the rates, and unless it is in the interest of safety to life, it should not be charged, should it?

Mr. FALLON. No, it should not, if I understand your question correctly.

The CHAIRMAN. I understand this compulsory pilotage is in the interest of safety of floating property and life.

Mr. FALLON. True. Now, we should like to feel that the law should be consistent in this respect, that it should be discretionary to take a pilot. If the pilotage is necessary for the safety of vessels, the law ought to be enforced to compel vessels to take the pilot—not merely to pay them—they should be compelled to take the pilot. If it is safe to do without them, under a Government pilot or master of the vessel, then we should be free not to take them.

Mr. SMALL. But, in your opinion, it is safe for barges in tow of tugs, without the necessity for taking the pilot?

Mr. FALLON. Yes, sir. We have never taken pilots; we have only paid them. And we have had no trouble, no accidents.

The CHAIRMAN. Have you ever gone into the port of New Orleans?

Mr. FALLON. I have not. We have run steamers in there, but not with barges in tow. But I should hesitate, very much now, after what I heard here to-day, ever to send any steamers in there again.

Mr. BYRNES. When you ran in there, did you have a bar pilot, or not?

Mr. FALLON. No; we did not. We had six steamers, part of which operated to New Orleans, and it was largely discretionary with the captains. If the captain felt competent to enter a port without a pilot, he dispensed with them. If the captain was not familiar with the place and required the services of a pilot, he took one.

Mr. SMALL. Of course, a steamer with a Government-licensed pilot on board was exempt and he exercised his discretion as to whether or not he should take a pilot?

Mr. FALLON. Yes. You understand with a Government license, when the master receives it, what he has to do is this: The master of the vessel trading to a port for a certain time becomes familiar with it, and familiar with the waters. He goes before the local board of inspectors and he undergoes an examination. If the board of local inspectors consider the master competent they will indorse his certificate for a pilot at that port. If they do not feel he is competent he will have to run that port for a long period before he can get such a certificate. Now, then, he is a pilot only for his own vessel. He is not licensed to go in and engage in trade in that particular port in competition with the pilots.

Mr. BURKE. Do you know whether or not there is any rule or law at any of these ports which requires the pilots to speak to the vessel as it is about to enter the port? Is there any law requiring them to be within reach of the vessel in case they need the services of the pilot?

Mr. FALLON. I do not believe there is. I do not believe the law compels the pilots to be on the bar under any and all circumstances, and I think the pilot need not be. I think the theory is if a pilot is not there and you require one you must wait until they come out and take the vessel in. I do not think the laws compel the pilot to be there. Am I not right in that?

Capt. MICHEL. No, sir. The law requires them to cruise out to sea, and to fly a certain flag in the daytime and to burn a light that can be seen all around the horizon at night.

Mr. FALLON. Under any and all conditions?

Capt. MICHEL. Yes, sir.

Mr. FALLON. I may be mistaken, I am not sure of my point on that. I have not seen it in any of the laws I have looked up. I do not believe it is true in Florida.

Capt. MICHEL. You have looked up some of those laws, Mr. Fallon?

Mr. FALLON. I have looked up some of them.

Capt. MICHEL. You never thought of advising your attorney to introduce a bill in Florida to correct what you thought was an evil?

Mr. FALLON. The evil has occurred to us more recently, as I explained. The best way that we saw for a correction was this amendment to the bill which would, at one bite, so to speak, correct it all over. We have no assurance and it is a long laborious work to make a change of that kind on the part of an individual or an individual company in any State law.

Capt. MICHEL. Mr. Fallon, you seem to understand there was some degree of danger when you stop a towboat towing a barge to pick up a pilot?

Mr. FALLON. I speak in a general way. I should say there would be a certain element of danger in that, perhaps small, depending upon the port.

Capt. MICHEL. Have you ever been on the vessels when they had to stop?

Mr. FALLON. I have not. I am not a navigator.

Capt. MICHEL. You say there was some danger on account of the slacking up of the hawser, and so on. It is necessary sometimes to stop a vessel suddenly. Or, in other words, if you are going into a harbor and there was a haze or fog and you met a vessel across the channel, or outside of the bar and anchored, waiting for clear weather to go in, and you saw a vessel right ahead, and you had to stop your tug, or the tug had to be stopped, is it proper for the barges to follow right along and run into the towboat?

Mr. FALLON. You are dealing now with a question of navigation.

Capt. MICHEL. Yes, sir.

Mr. FALLON. I have already explained that I am not a navigator. My talk has been directed to the difficulties, as I see them, as manager of the property.

Capt. MICHEL. I had no intention of asking you a question that I thought you are not familiar with. But I want to show that it is possible for the gentlemen who are advocates of this bill not to be fully aware of what they are asking for, and that this bill may have been prepared in haste. You said just now that you thought when the pilots were really necessary they ought to be compelled to take them on board?

Mr. FALLON. No; I beg your pardon. I did not make that assertion.

Capt. MICHEL. That is what I understood, that if a pilot was really needed the vessel ought to take the pilot.

Mr. FALLON. No, sir; I do not believe I made that assertion.

Mr. SMALL. You can repeat again what you did say.

Mr. FALLON. I did not quite follow the point referred to.

The CHAIRMAN. I think you said this, that your vessels had United States licensed pilots aboard, and in entering a harbor they had the discretion, if they were not familiar with the waters, of employing a State pilot; something like that.

Mr. FALLON. I said this, that when the officers became familiar with the port and they underwent an examination and they secured the indorsement of the inspectors to operate to that port, that following that they have not take pilots. Preceding that they would do so, or, under a given set of circumstances, the captain might feel the necessity of taking a pilot. That, I think, is the expression.

Capt. MICHEL. I understood you stated that when it was necessary to take a pilot on account of conditions, that they should be compelled to take one.

Mr. FALLON. No; I did not make that assertion.

Mr. BYRNES. Do you make the reverse, a statement to the contrary, that there can be no condition at any port that would in your opinion justify compulsory pilotage?

Mr. FALLON. I do.

Mr. BYRNES. No matter what the condition is, it would not be justified?

Mr. FALLON. I do.

Mr. BYRNES. That every shipowner ought to be allowed to use his own discretion?

Mr. FALLON. Entirely so. For this very reason, that no two ships behave alike. The captain of the ship knows his vessel as we know our hats, so to speak. He knows just exactly what she will do under a given set of circumstances. It is his duty to know that. He becomes familiar with every action of that vessel. Now, then, when he is entering a port, if he is a licensed pilot for that port, it is his duty to take that vessel in. It is our feeling that he can do so with more safety than a local pilot, because he knows his vessel better. The local pilot steps aboard a different vessel every day. He does not know the particular action of that vessel. Now I am speaking of our policy. It is our feeling that the officer in charge of that vessel—the captain—knowing her and knowing the port, it is his duty to take her in without a pilot.

Mr. BYRNES. You think it is more important to know the vessel than to know the channel, then?

Mr. FALLON. It is equally as important to know the action of the vessel as it is to know the channel.

Mr. BURKE. Do you know of any instance where a licensed captain acting as the pilot ordinarily enters the port without the assistance of a pilot, and other instances, under different weather and water conditions, on entering the same port, that he is obliged to have the services of a pilot? In other words, do certain weather conditions, or water conditions, or storm conditions, make it necessary to require the assistance of a pilot where under milder weather conditions it would not be necessary in entering a port?

Mr. FALLON. I will answer that in this way, that when the captain of the steamer qualifies as a pilot for the port he is assumed to know.

Mr. SMALL. And receives a Government license?

Mr. FALLON. And receives a Government license, and when he undergoes an examination for a certificate as a pilot for that port, he is assumed to know enough about the waters to take the vessel into and out of that port under any circumstances of weather conditions or anything else.

Mr. BURKE. Let me ask you this question: Supposing the boat ran from Norfolk to Tampa and touched at all of the seaports along that run; when the candidate for a license applies, is he examined as to his knowledge of all of the ports on that route?

Mr. FALLON. No; he possesses a captain's certificate granted by the Government. Indorsed on that certificate is a local pilot's license by the steamboat inspectors for the individual port alone. The captain could have a dozen indorsements on his certificate. One indorsement covers only one port.

Mr. BURKE. Then upon the strength of that one local indorsement he is permitted by courtesy to conduct his vessels into any other port; is that it?

Mr. FALLON. No, sir. He has got to get an indorsement for each particular port.

Mr. SMALL. From the local steamboat inspectors?

Mr. FALLON. From the local steamboat inspectors of that port.

Mr. SMALL. Based upon an examination?

Mr. FALLON. Based upon an examination as to that port.

Mr. BYRNES. Does he go to that port to stand examination?

Mr. FALLON. He does ordinarily. Now there are some ports where the local inspectors are not adjacent. Take, for instance, Florida; the local inspectors are located at Apalachicola. I do not know why. The seaports are Jacksonville, Tampa, St. Augustine, and Miami, but the local inspectors are located at Apalachicola. They are from time to time in the different ports, and if the captain should happen to catch them at Tampa when the vessel was there, the captain could undergo an examination at Tampa; or failing that, they can take it with the steamboat inspectors at Baltimore, who will examine him as to a knowledge of those waters and pass the examination down to the inspectors at Apalachicola who would approve it.

Mr. BYRNES. For how long is that certificate good?

Mr. FALLON. The certificate is good for five years.

Mr. BYRNES. Where you have one of those harbors, where the channel is changing, as you have heard stated of New Orleans to-day, and he does not go but once or twice in five years, would you think it would be good business to risk going in there?

Mr. FALLON. It would not, sir.

Mr. BYRNES. I mean from the standpoint of the port, would it be right to have a man go in there and run the risk of blocking that channel?

Mr. FALLON. It would not, sir; but you must appreciate this: That vessel owners have very much at stake; and when we put a captain in charge of a vessel we assume he is going to be a competent man and is not going to jeopardize our property, but that he is going to be careful of it and is not going to take any unnecessary risks. Assuming the captain had not been to the port of New Orleans, say, for three years; it would be sort of foolhardy for him to enter that port without a local pilot.

Mr. BYRNES. But if he is not competent and is foolhardy and attempts it, the people at New Orleans have no protection at all against that foolhardiness before he blocks the channel.

Mr. FALLON. You have got to allow the captain some discretion in this way. He can not have a certificate without having undergone an examination and undergone long training before he gets a certificate, and it is safe to assume when he gets the certificate that he is a man of good judgment.

The CHAIRMAN. His occupation depends on the retention of his Government certificate, and he would lose his occupation and would lose his certificate if he was guilty of foolhardiness.

Mr. FALLON. He would not get the ship.

Mr. SMALL. And under the law it requires that his license be revoked by the Steamboat Inspection Service?

Mr. FALLON. It would.

Mr. BYRNES. It would not be revoked until he had blocked that channel; because, of course, they can not tell in advance what he is going to do.

Mr. FALLON. That is rather far-fetched.

Mr. HARDY. The reason applies to all laws compelling attendance to certain things. In other words, every shipowner ought to be careful and prudent about everything like lifesaving and the lifeboats,

and in order to escape responsibility, it looks like no shipowner would take less than a sufficient amount of lifeboats; yet the law requires them to take a certain amount. Now, your position in reference to New Orleans, it seems to me, is this, because it might be to the interest of the shipowners to observe all caution in going up a river that therefore the law ought not to require him to do it, but to leave it to his discretion?

Mr. FALLON. The protection of his own property would compel him to do so.

Mr. HARDY. Would not the same reason apply to nearly every other law made for safety?

Mr. FALLON. No, I do not believe so; but I should say this, that as to the question of safety at sea there is a good deal of difference of opinion, you know, existing upon that. The owners comply with the law and do so sometimes rather reluctantly. They have opinions; but as to the question of the safety of their own job, their own property, they do not have any difference of opinion. They are going to protect that first.

Mr. HARDY. Is it not nearly always the case that a man will take risks with his own property rather than incur expense, frequently?

Mr. FALLON. No; I do not honestly believe it. Not a vessel property. You see, your ability is largely limited by what insurance you can get. Now, as a vessel owner or operator you have got to show the insurance companies and to prove to them that you are prudent men. You can not get insurance on your property otherwise.

Mr. HARDY. Mr. Fallon, I will admit very freely that if you and your vessel were the only things concerned, your position would be right; but there are the interests of the city of New Orleans and the interests of the Army to be observed, and they are entitled to some protection, it seems to me.

Mr. FALLON. Let me suggest this, Judge Hardy, that of course accidents are going to occur as long as there is shipping—they are going to occur. In speaking of the city of New Orleans and the passes, I do not know a great deal about it except this, that there is something like 110 miles of river and two passes. There is some considerable commerce entering and leaving the port. If it is so very hazardous for the vessels to enter and leave that port it is really remarkable that any vessels enter and leave there. It is really remarkable. Now, ports are not so bad as we picture them. There is a lot of room to get in and out of ports, as a rule. Our Government sees that there is, and our Government spends millions of dollars to see that there is sufficient entrance and exit at every port.

Mr. HARDY. Yes; but you appreciate the fact that the river there is subject to shoal formations and a change in the channel, as stated by Capt. Michel just a moment ago. That is current, common knowledge, is it not?

Mr. FALLON. Then that resolves itself, in the main, in this: If the cross currents are such that the vessels can not be controlled in them, how can a pilot control them?

Mr. HARDY. Leaving out the question of the cross currents, how about the shoals? The shoals form and the channels change, do they not?

Mr. FALLON. I do not believe the changes are so frequent that the Government can not keep them charted or marked.

Mr. HARDY. Yes; but a pilot whose certificate lasts for five years might be there this year and then not any more until next year.

Mr. FALLON. I agree with you on that point.

Mr. HARDY. And he is liable to run across changes.

Mr. FALLON. I agree with you that no captain should enter a port unless he is qualified to do so.

Mr. HARDY. But the only point we differ on is that you nevertheless contend that he ought to be allowed to do so if he sees proper?

Mr. FALLON. I think it ought to be discretionary with the captain.

The CHAIRMAN. Is there anything else of this gentleman? We have other gentlemen here.

Capt. MICHEL. I would like to ask a few questions.

The CHAIRMAN. Yes.

Capt. MICHEL. Mr. Fallon, you stated that you had good navigators on your vessels and that they ought to be permitted to navigate the channels if they think that they are competent?

Mr. FALLON. I do.

Capt. MICHEL. And that it ought to be discretionary. Has it ever occurred to you that they could not do that in shoal water? Do you know that when a vessel gets in shoal water it is very hard to steer?

Mr. FALLON. True.

Capt. MICHEL. Would you know that when a vessel gets near a shoal that might not be visible, the channel there is not visible, that if she gets near a shoal she naturally sucks off from that?

Mr. FALLON. True.

Capt. MICHEL. Then it would require a pilot with local knowledge to know where that shoal was so as to port his helm and, knowing exactly what this vessel would do, that he could slow down his vessel, port his helm, and go round that corner in a proper manner; but a man who would not know that condition, he would run the risk of grounding himself and he would run the risk of running into a passing vessel, which increases the suction. That has happened in the Southwest Pass or at least in the South Pass.

Mr. FALLON. I can only answer you in one way on that, and that is from our experience. I want to reiterate that we have the friendliest feeling for the pilots and we think that they have a proper function. But to answer your question, I will speak from experience and that is this, that during the past five years, to my certain knowledge, as clearly as I can recollect (I am pretty sure about it), we have never had a vessel there that was not put ashore with a pilot on board.

Mr. SMALL. With a local pilot?

Mr. FALLON. With a local pilot. During that period we have never had a steamer ashore that it was not put ashore with a local pilot on board. And when we have left it to our captains to navigate the channel and to go in and out, we have never had a single ship ashore.

Mr. BYRNES. Why didn't you stop getting the bar pilots, then?

Mr. FALLON. The only question, as I say, is this: We maintain that when our captain is qualified at all he is capable of doing it, but until he does qualify we have to have a pilot, certainly.

Mr. SMALL. The steamers use the local pilots until they have a Government licensed pilot on board who is qualified?

Mr. FALLON. Until the captain is qualified, we have the local pilots on board.

Capt. MICHEL. Would you please give the names of the two steamers running to New Orleans at the present time?

Mr. FALLON. We are not running any steamers to New Orleans at the present time. We ran six steamers there last year, off and on. Ours is a semitramp service.

Capt. MICHEL. What are the names?

Mr. FALLON. The steamers *Julia Luckenbach*, *D. N. Luckenbach*, *Harry Luckenbach*, *F. J. Luckenbach*, *J. L. Luckenbach*, and the *Jacob Luckenbach*.

Capt. MICHEL. The *J. L. Luckenbach* is a pretty large vessel, is she not?

Mr. FALLON. She is 425 feet long.

Capt. MICHEL. Have you ever heard any complaint from the captains who handled that vessel?

Mr. FALLON. She is an unruly vessel, a difficult vessel to handle.

Capt. MICHEL. Did they ever report to you that the pilot boats went alongside of her and turned her around?

Mr. FALLON. She was ashore at the entrance of the Mississippi River two years ago, I think, or something like that.

Capt. MICHEL. In the main river. Did you ever know at the mile and three-quarters that the pilot boat had to go up there and turn her around and head her downstream?

Mr. FALLON. I recall that she was ashore. I can not remember the details of that. Now, did you have a pilot aboard?

Capt. MICHEL. I do not know where she was ashore.

Mr. FALLON. At New Orleans, at the entrance to the river. I can look that up and make it a part of the testimony, if you wish.

Capt. MICHEL. Then, with the captain of your vessel, together with the local pilot, it is possible even then for a vessel to get ashore?

Mr. FALLON. With a local pilot?

Capt. MICHEL. Yes.

Mr. FALLON. Surely.

Mr. SMALL. You are aware of the fact that these local pilots under the State laws, before they can navigate a steamer, are obliged to obtain a license from the United States Steamboat-Inspection Service?

Mr. FALLON. I am not; but I am glad you mentioned that. In the city of Key West, the question was raised—one of the pilots who claimed the pilotage was asked if he was an officer licensed by the Federal Government. They were local men. And one of them had never served on a seagoing vessel. Now I happen to know that the same is true of Tampa. There are several local pilots there who have never served before the mast or as first officers on a seagoing vessel.

Mr. SMALL. I think it will be conceded that local pilots, before they can navigate the steamer, must have a license from the United States Steamboat-Inspection Service.

Mr. FALLON. I think they should have.

The CHAIRMAN. Is that correct, Capt. Michel?

Capt. MICHEL. Sir?

The CHAIRMAN. I say, these local pilots must have a regular license from the local inspectors?

Capt. MICHEL. No, sir; there are many of the pilots in the country that have no license from the United States inspectors, although

they are competent to handle their vessels. But, technically, they must have one man on board. And some of the young men working in the business, after they have been there a certain length of time, we recommend their appointment, that they be appointed, and that they be given an opportunity to handle our boats before they handle the vessels of other people. And it is through our recommendation that these particular men are appointed.

The CHAIRMAN. By whom?

Capt. MICHEL. By the local inspectors.

The CHAIRMAN. And receive a United States license?

Capt. MICHEL. Yes, sir; we have to have them, technically.

The CHAIRMAN. Why so?

Capt. MICHEL. Because the law provides that all American vessels shall have one licensed pilot as a part of their equipment. Now, if the master of a vessel thinks that he can enter and leave a port that is marked off with buoys he can hire a man who has a license that is serving in a gasoline boat, or in some small boat. He may be the third officer, or he may be a quartermaster, but he has a technical license, and the captain takes the vessel out and he is within the law, because he has that technical license.

Mr. SMALL. Mr. Chairman, I do not want to interrupt, but section 4444, which is proposed to be amended by this pending bill, provides—

That no State or municipal government shall impose upon pilots of steam vessels any obligation to procure a State or other license in addition to that furnished by the United States, or any other regulations which will impede such pilots in the performance of the duties required by this title, nor shall any pilot charges be levied by any such authority upon any steamer piloted as provided by this title; and in no case shall the fees charged for the pilotage of any steam vessel exceed the customary or legally established rates in the State where the same is performed. Nothing in this title shall be construed to annul or affect any regulation established by the laws of any State, requiring vessels entering or leaving a port in any such State, other than coastwise steam vessels, to take a pilot duly licensed or authorized by the laws in such State, or a State situate on the waters of such State.

Then section 4401 provides:

All coastwise seagoing vessels, and vessels navigating the Great Lakes, shall be subject to the navigation laws of the United States, when navigating within the jurisdictions thereof; and all vessels propelled in whole or in part by steam, navigating as aforesaid, shall be subject to all the rules and regulations established in pursuance of law for the Government of steam vessels in passing, as provided by this title—

The CHAIRMAN. What section is that?

Mr. SMALL. This is section 4401. And reading further:

and every coastwise seagoing steam vessel subject to the navigation laws of the United States, and to the rules and regulations aforesaid not sailing under register, shall, when under way, except on the high seas, be under the control and direction of pilots licensed by the inspectors of steamboats.

Mr. HARDY. What does it mean by "not sailing under register?"

Mr. SMALL. It means the foreign trade.

Mr. FALLON. "Not sailing under register," means this, that the American coastwise vessels running abroad sail under register; running coastwise, they sail under enrollment.

Mr. SMALL. In other words, when engaged in the foreign trade, they are said to be sailing under register.

Mr. FALLON. They must register for the foreign trade, but under the coastwise trade they do not register; they sail under enrollment.

Mr. SMALL. So that I would suggest anyone who thinks the contrary should investigate it. The statement I made was that regardless of the regulations of the State laws for licensing the local pilots, if they attempt to pilot a steam vessel in the coastwise trade they must have a license issued under the laws of the United States by the Steamboat Inspection Service.

Mr. FALLON. Exactly; and should we, by mistake, inadvertence, lack of knowledge, or any other reason, take a pilot for local waters, who has not been licensed as a Federal pilot by the United States laws, our vessel is subject to a heavy fine.

Mr. SMALL. Of \$500, I think.

Mr. FALLON. Yes, sir.

Capt. MICHEL. That applies entirely to steam vessels, does it not?

Mr. FALLON. Yes, sir.

Capt. MICHEL. It does not apply to other licenses?

Mr. FALLON. Only to steam vessels.

Capt. MICHEL. Mr. Chairman, I would suggest that we are not objecting to that law as it exists.

Mr. CURRY. All of your ships and barges entering and leaving ports are spoken by pilots?

Mr. FALLON. As a rule. I do not recall any cases where they were not.

Mr. CURRY. How often do you find it necessary to take a pilot aboard?

Mr. FALLON. Rarely. Because our captains run largely to the same ports. After they have qualified themselves, we do not permit the pilots on the steamers. Feeling that the captain of the steamer is a qualified pilot for the port, we do not stop for pilots on the barges.

Mr. CURRY. But knowing on your barges or boats or ships they are under the control of the captain who is also a pilot, may be spoken by a pilot entering and leaving port, do you ever accept pilotage?

Mr. FALLON. Seldom.

Mr. CURRY. Do you?

Mr. FALLON. I do not believe we have done so for some years.

Mr. SMALL. If you will permit me just to introduce this decision. I want to say first to the committee that as to the navigability of the passes at the mouth of the Mississippi that at the conclusion we will introduce some appropriate evidence; but at this stage I would like to introduce an extract from an opinion entitled "*The Acilia and The Crathorne*," which is 108 Federal Reporter, page 975. It was a case of a collision and the vessel engaged in the foreign trade and also subject to pilotage, and the collision occurred on the trip either to or from Baltimore. And I would like to read this paragraph from the decision of Judge Thomas J. Morris, United States district judge, who had a long and distinguished service in the United States court, and particularly in the administration of the admiralty law. I read as follows:

I can not pronounce this decree without adding some observations with regard to some of the licensed pilots of the Chesapeake Bay. If I am right in my decision of this case, owners of the German steamship *Acilia* have suffered a loss, which it is said may amount to \$100,000, by the inexcusable violation of a rule of navigation by one of our own pilots, employed because he is supposed to know the local rules, and whose services they were compelled to accept. Notwithstanding the accident to the steamship's whistle, this loss could not have happened, in broad daylight, and with all natural conditions favorable for safety, if the pilot of the *Acilia* had not willfully

disobeyed the rule prescribed by act of Congress for navigating narrow channels. I have been for a long time disturbed by observing how little attention is paid by many of these members of the pilot association to the regulations prescribed by Congress, and by the United States supervising inspectors under authority of Congress, for preventing collisions. They seem often to be arbitrary and opinionated in their notions of navigation, and indifferent to the fact that it is the owners of these large and valuable steamships, and not themselves, who have to pay for their neglects. They receive compensation in excess of that paid to highly intelligent men of ability who are masters of steamers, and it is but fair to expect of them an equal degree of intelligence and character, and yet the truth is that admiralty lawyers often feel great concern at being obliged to put some of these pilots on the witness stand. They frequently give such an unintelligent, obviously incorrect, and biased explanation of the cause of their collisions, and the way the ships came together, and of their own maneuvers, that they put in jeopardy even a good case. I am not infrequently obliged, in order to get at the real facts, to refuse to accept what they testify to. It has more than once happened that when testifying the witness has been noticeably affected by drink, thus exhibiting a lamentable lack of any sense of responsibility for their conduct as pilots. I do not wish to be considered as speaking of all, for it is probable that it is only those who have got ships into collision that I have seen in court, and I do not doubt that there are many who are justly entitled to high reputation; but, speaking of some of those I have heard testify, I feel it my duty, in a matter of such great interest to the commerce of the port, to say that these men do not exhibit the knowledge of the rules of navigation, the education, the intelligence, and the character that is fairly to be expected of men who occupy the position which special legislation has given to these pilots. In my judgment, there should be a more rigid supervision of the members of this body, with a view to requiring of its members character, intelligence, temperance, and obedience to the rules of navigation, and of punishing derelictions by suspension and dismissal.

I read that extract from the opinion of this eminent judge because of the contention which has been made that Government pilots acting under a Government license had been derelict at the port of New Orleans. And if there had been dereliction, it is not one-sided.

The CHAIRMAN. When was that opinion rendered?

Mr. SMALL. In 1901.

Capt. MICHEL. I stated that the Government pilots met their capacity, and that a great many of them were very competent men. And I so state now. In what State was that?

Mr. SMALL. Maryland.

Capt. MICHEL. This bill does not affect Maryland.

Mr. SMALL. Oh, no. But that was a vessel in the foreign trade and in all these States from Virginia up, while they have abolished all compulsory pilotage on coastwise shipping, they have still retained it as to foreign shipping.

Capt. MICHEL. There was a case in the State of Louisiana, not long ago, the State of Mississippi having commissioned one of those Government pilots to pilot from the port of Natchez to the mouth of the river, claiming that he had a right to pilot up that bar, and he undertook to stop at New Orleans. He piloted the vessel and it was finally decided by the Circuit Court of the United States. But in rendering the decision, in the Supreme Court of Louisiana, Judge Monroe, who is now chief justice, I took an extract from that decision which reads as follows:

Mr. SMALL. Give the name of the case and where it appears.

Capt. MICHEL. It was the *State v. Leech*; I do not remember the initials.

Mr. SMALL. In the United States court or a State court?

Capt. MICHEL. That was in a State court, but it did go to the United States circuit court.

Mr. SMALL. Can you give the volume where it appears?

Capt. MICHEL. I can furnish this committee with a copy of that, sir.

Mr. SMALL. I would like to have it and also a citation to the case in the United States circuit court.

Capt. SPENCER [reading]:

The legislation of the State of Louisiana upon the subject is elaborate in the extreme, and its effect has been the establishment and maintenance of a system which is most satisfactory in its operation, and of an organized body of men whose worth, capacity, and loyalty is beyond praise.

Capt. MICHEL. As I stated, Mr. Small, I am not a lawyer, and I could not hunt up those cases. We have not any lawyer.

Mr. SMALL. I think you are a pretty good lawyer.

Capt. MICHEL. I have been educated as a pilot.

The CHAIRMAN. I do not think it is in the way of being relevant to compliment the relative merits of these various pilots; I think in our various trades we have good and bad, competent, and incompetent; but let us stick to the text and get along with this hearing.

Mr. SMALL. I agree with you.

Capt. MICHEL. Here is a section of the pilot laws of Louisiana which compels a pilot to board a vessel when practicable, and a violation of that law would send him to jail for five years:

Capt. SPENCER [reading]:

SEC. 2689. Whenever any branch pilot shall, when practicable, refuse or neglect to go on board of any ship or vessel, when called by signal or otherwise, he shall be suspended from his duties as pilot for the term of five years, and shall, moreover, be liable to be fined in the sum of \$300; in default of payment thereof he shall suffer imprisonment for the term of three months.

Mr. SMALL. Mr. Chairman, may I make this suggestion right here, that it would shorten this case, if we could confine it to the merits of this bill. This bill proposes to exempt barges in tow of tugs in the coastwise trade from compulsory pilotage; and if we could confine the evidence to the merits or demerits of that particular legislation, we might shorten the hearing.

Capt. MICHEL. Mr. Chairman, in regard to that, the other side has been heard——

The CHAIRMAN. And they confined their testimony wholly to that issue, too.

Capt. MICHEL. Yes, sir; but the avenue has been opened for these gentlemen to make any statement they choose, and we would like an opportunity to show that they may be mistaken. And for that reason I would like to touch on questions so that when it is suggested that steamers are not required to have pilots—I should like to ask that I be not shut out from showing the local conditions in the different places.

The CHAIRMAN. There is no suggestion to shut you out.

Capt. MICHEL. No, sir; I did not mean to imply that, but Mr. Small——

Mr. SMALL. I had no such thought in mind.

The CHAIRMAN. You have given the conditions at New Orleans which seem to be quite different from the other ports, so far as has been disclosed.

Capt. MICHEL. Later there was a statement that only sailing vessels, say in a storm, that run into a harbor to get clear of the pilots. I would like later to make some remarks about that.

Mr. Chairman and gentlemen, this is Capt. J. J. Adkins, of Southport, N. C., who will make his own statement and I believe will be prepared to answer any questions propounded. I would like, also, to have the privilege of asking questions.

STATEMENT OF CAPT. J. J. ADKINS, OF SOUTHPORT, N. C.

Capt. ADKINS. I am a Cape Fear bar pilot for the port of Wilmington, while I live at Southport. And I will say that I deem it to be fortunate that I do live at Southport. Though born and raised in New Hanover County, in which Wilmington is situated, I live in another county away from the interests and commerce in which I am a bar pilot. However, I claim the privilege and blessing of knowing a great many people in the city of Wilmington, about all that have to do with that port in the way of commerce.

I have with me here, Mr. Chairman and gentlemen of the committee, the action of the board of commissioners of navigation and pilotage, which is the body politic in regard to the commerce of the State of North Carolina. I say that because there are no pilots—

The CHAIRMAN. Is that a body created by law?

Capt. ADKINS. Yes, sir; under the laws of the State of North Carolina the board of commissioners are appointed by the governor, and the board of commissioners of navigation and pilotage has charge of all waters from 7 miles above Nigger Head Point, which is in Wilmington, out to sea, and supervision over the waters and the pilots.

The CHAIRMAN. Who are the men on that board; not their names, but their business or their occupations?

Capt. ADKINS. I will tell you their names, Mr. Chairman.

The CHAIRMAN. I do not care anything about their names, but what is their business?

Capt. ADKINS. The chairman of that board is a member of the firm of Alexander Sprunt & Sons, and that is Mr. James Sprunt. He is chairman, and Capt. John W. Harper, a steamboat man raised in that same county and living in Wilmington for many years, and who is a practical man in every respect, is vice chairman of the board.

The CHAIRMAN. Is he interested in steamships?

Capt. ADKINS. No, sir; only in a steamboat line running between Wilmington and Southport. And Mr. William St. George, who is a Cape Fear bar pilot; Mr. H. C. Smallbones, who was formerly the agent of the Clyde line of steamships, but is out of that now because of his inability to act—in other words, I think he has been relieved because of poor health—and Mr. Thomas F. Wood, a ship chandler and grocer, of Wilmington.

That is the business and those are the names of the board of commissioners of navigation and pilotage.

And I have here what they have had to say in regard to this bill, individually and collectively, and if the chairman of the committee would like to hear it I will read it. It is short. This is the minutes of a meeting held on the 2d day of this month, and it has to do with this question:

The chairman stated that an important matter, the proposed legislation in Congress by Congressman John H. Small, advocating the exemption of compulsory pilotage charges on all barges over the Cape Fear bar, which was discussed at the last meeting, should be acted upon to-day, and that in order to save a lengthy discussion of the

matter he had requested the commissioners to bring a statement in writing of their views, which are expressed as follows:

JANUARY 31, 1916.

SIR: In response to your request with regard to the so-called Small bill, I will make the following brief remarks, as I see it:

First. It is an unjust discrimination.

Second. It would assist in creating a monopoly.

Third. It is wresting authority from the State.

Fourth. In line with the present agitation on the question of preparedness, skillful pilots are absolutely necessary, and there are none better than we have on the Cape Fear bar. At present the revenue derived from this source is inadequate for their maintenance in a modest manner. This paltry sum paid by this company, if taken from the pilots and put into the pockets of multimillionaires, would be only the beginning of the total disorganizing of the pilot system.

These pilots have served from 40 to 50 years, paid their licenses yearly, given bond for the faithful fulfillment of their duties, and are compelled to respond to calls of distressed vessels at the risk of their lives.

For example, the Federal Government has built and maintained for 18 years a quarantine station at the mouth of the Cape Fear River, spending perhaps \$200,000 or more. They have had only two mild cases of smallpox of local origin, but one case of yellow fever passing into the port would possibly destroy half the town.

If one ship and valuable cargo, as frequently occurs entering this port, should be lost on the bar or vicinity, would pay the whole pilotage for 20 years or more.

This pilot system should be left as it is.

Respectfully,

J. W. HARPER, *Vice Chairman.*

FEBRUARY 1, 1916.

DEAR SIR: Responding to your request that I give you in writing, briefly, my reasons why our board should oppose the measure pending in Congress known as the "Small bill," to exempt barges in tow from pilotage, I submit the following as some of my views why we should vigorously and earnestly oppose the measure, to wit:

1. As everyone knows, the Cape Fear River is free, there being no compulsory pilotage. The inland waterway can never have any relation to the bar. If it did, it would cease to be an inland waterway. As I understand the Small bill, it proposes to relieve the inland waterway from pilotage charges. Should the waterway be completed into the Cape Fear River, vessels and barges entering the river through the waterway would not be subject to pilotage charges. The bill is unnecessary, as the river is now free.

2. The bill discriminates against coastwise sailing vessels, in favor of the Standard Oil Co., the P. Doherty Co., Luckenbach & Co., the Hilton-Dodge Lumber Co., the Southern Transportation Co., and other concerns operating barges.

3. The bill will not benefit the port of Wilmington. The community will not get the benefit of any reduction in pilotage. This is best illustrated by the Standard Oil Co., which gets all its supplies by water, in barges, and the Cape Fear Oil Co., which receives its merchandise by rail. Competition is met, and this notwithstanding water rates are cheaper.

4. It has been well established that pilotage is a necessity and it is too late to make an argument to this effect. To show what the system has done for the Port of Wilmington since the year 1907, through the board of commissioners, which board is the center of the system, I cite expenditures by the National Government of about \$140,000 for a lightship, river lights, gas buoy, and whistling buoy, which are the direct results of the efforts of the board.

5. The United States has never licensed one man to be master or pilot or more than one vessel at the same time. It is impossible for a Government licensed pilot, or any other person, however competent, to safely direct the navigation of a barge or other vessel, when he is hundreds of feet ahead of the vessel at the other end of a tow line.

6. If the inland waterway was now complete into the Cape Fear River, barges and all other craft could enter the port of Wilmington by that route with cargoes and depart with cargoes of lumber and other commodities without the payment of any pilotage fee whatever, unless by their own choice. The "Small bill" has no relation to Wilmington whatever, and our board, and the entire commercial interest of the port should oppose it.

Very respectfully, yours,

WM. ST. GEORGE, *Commissioner.*

FEBRUARY 1, 1916.

DEAR SIR: Regarding Congressman Small's pending bill, eliminating barges entering Cape Fear River from pilotage, I am inclined to feel that the bill is one that would not conserve the best interests of this community, and that barges should no more be exempt from pilotage than schooners or other craft.

Yours, very truly,

H. G. SMALLBONES, *Commissioner*.

After careful consideration of the question of Congressman Small's bill providing pilotage exemption to barges entering the Cape Fear River, I do not feel that I can conscientiously approve of it.

If I am not mistaken, the Southern Transportation Co. is the only company owning barges that has made a complaint of the pilotage charge.

This company, as you are aware, refused to pay harbor master dues some time ago, and I know personally that they have notified ship chandlers at every port where their barges call, that they will in no way be responsible for any bills made by their captains, either for provisions or for ship chandlery goods for their barges.

Being relieved of all these expenses and charges, they will be able to come into this port without any expense at all, except the wages of two or three men as the crew.

I do not believe that it is fair to the sailing vessels to charge them pilotage, and exempt the barges. I think that a perfect system of pilotage can only be maintained by compulsory pilotage, applying to all vessels; and I believe that if we begin to make exemptions the result will be that the compulsory pilotage law will soon be nullified.

If this happens we well know what the results will be, incompetent service.

I feel that the pilots have really made a mistake in allowing Southern Transportation barges to be charged pilotage only when loaded; and I think that in the future pilotage should apply to the barges whether loaded or light.

It seems to me that the pilots of our bar and river have practically nothing to live on as it is, and with the barges exempted from pilotage I do not believe that they will be able to exist on the money they are making from piloting other vessels, which must necessarily mean that some of our pilots are going to be forced to take up other occupations for a living.

For the good of the service, and for the good of our port, I firmly believe that we should endeavor to have Congressman Small's bill defeated.

Respectfully,

T. F. WOOD, *Commissioner*.

The chairman stated that he had not prepared any written remarks but that the following outlined his views:

"I do not think that the barges should be exempt from pilotage, but I do think there should be a modified rate suited to the present conditions.

"The Cape Fear pilotage compensation is not a matter to be considered by Congress in discussing a measure affecting coastwise commerce, but if we are to have a pilotage system of any efficiency it must be constantly overlooked and kept up to the proper degree by the commissioners, who give practically a whole day every month of the year to this matter without any compensation whatever.

"A pilot can not be made in a day. It is a matter of many years toil and experience, and their compensation is already inadequate. We require them to go on regular monthly and quarterly soundings, at their own expense, sounding the river channel from Wilmington to sea and the outer bar, and these soundings are carefully gone over and compared with the reports of the United States engineers. This one duty, faithfully performed under all conditions of weather, has been a very great help to the navigation of the river and also to the work of the engineers. It is not questioned, because the returns are made in writing over the signatures of experienced men whose capabilities can not be questioned.

"I fail to see why such services as these, to say nothing of the constant watchfulness with scarcely enough compensation to keep body and soul together, should be contrived to the benefit of barges that sail under tow of a tug boat having on board a pilot with a United States license. I believe, however, that there should be a modification of the charge which would not be a hardship on either the large traffic or the pilots.

"The pilots here, and also some of our commercial men, clearly understand that the passing of the act proposed would nullify the State pilotage regulations and tariff and

practically destroy the system for the protection of commerce which the board of commissioners of navigation and pilotage for the Cape Fear River and bar has endeavored to sustain for nearly a hundred years past. It can not be said without fear of contravention that a Federal license affords as full protection to commerce on the Cape Fear river and bar as that which is insured by the employment of a pilot licensed by our board under the State laws."

It was moved and seconded that this board unanimously condemns the proposed legislation by Congressman Small with reference to the exemption of barges from compulsory pilotage on the Cape Fear bar, which motion prevailed and is hereby recorded.

There being no further business, the meeting adjourned.

Respectfully,

JNO. T. RANKIN, *Clerk.*

Capt. MICHEL. Now, Captain, have you made some arrangement, your pilots, in regard to these barges?

Capt. ADKINS. There is just an understanding, which, so far as we have known, was satisfactory to the barge interests that we would pilot the barge when loaded and let her go free when she is light. We did not make this arrangement ourselves. It was made through a man who was interested in the tow-boat business, and is yet, who asked us if that would be satisfactory. And the object of that was to give that amount of encouragement to this particular traffic coming into Wilmington.

Capt. MICHEL. If one of those barges, or a number of those barges, were to come into your port and to go out, would you charge them on all of the barges or on one?

Capt. ADKINS. We have never had that to happen; but we would understand it to be a pilotage on one barge. If that barge should go out loaded we would ask for the pilotage on the barge out. If light, why we do not bother with them.

Capt. MICHEL. Then if there were four barges in tow, you would.—

Capt. ADKINS. As I understand, we would only get one pilotage.

Capt. MICHEL. Did I ask you to concede that? I asked you yesterday if you would concede that. I want to show you, gentlemen, that I have made every effort to adjust this without injuring the other ports that would be affected by this bill.

Capt. ADKINS. Yes, sir; you asked me.

Capt. MICHEL. I want to ask you some questions now in regard to steamers having these barges in tow and the danger to these barges or to sailing vessels, and the advantage of the steamer over the sail vessel and the advantage of the sail vessel over the barge. In order to demonstrate just exactly what I want to ask, suppose that a steamer was to run into the bank, to put her nose into the bank, as it were, and went ahead and put her helm first to port and then to starboard, would it have this effect, that putting the helm to starboard she would go this way [indicating] and putting her helm to port she would go that way [indicating]?

The CHAIRMAN. You know the reporter can not get your directions when you say "this way" and "that way."

Capt. MICHEL. No, sir; but I wanted to give the committee—

The CHAIRMAN. Instead of saying "this way" and "that way" say "to the right" or "to the left," so that we can understand it in the record.

Capt. MICHEL. All right, that vessel would swing around first to one side and then to the other, without having any headway?

Capt. ADKINS. If she was ashore, or if her nose was only on the bank, yes, sir.

Capt. MICHEL. Then if she was in a position on the bank with her full length on the bottom, would it be possible for you to back that vessel back and finally loosen her up, loosen her bottom, and finally, with the wash from the propeller, washing from the bank, to back off?

Capt. ADKINS. It could be done if the ship was not too fast on the bottom, not too solid ashore and had not run up too much, with too much weight.

Capt. MICHEL. If a sailing vessel might get on the shore or on the bank, would it be possible for her to swing first to the right and then to the left without any headway?

Capt. ADKINS. She would be controlled absolutely by the current, or by the wind with her sails up.

Capt. MICHEL. What I mean is this: With no propulsion, no action from the water, from the propellers——

Capt. ADKINS. She would have no means of getting off, except if the wind was off the land and she was head-on, she could hoist her sails up and get off.

Capt. MICHEL. But she could not help herself otherwise?

Capt. ADKINS. No, sir; she would have no power otherwise.

Capt. MICHEL. Vessels do not run head-on to the wind?

Capt. ADKINS. Not as a rule.

Capt. MICHEL. Then with that vessel ashore, with a heavy sea rolling in on top of her, loaded down, she would be perfectly helpless?

Capt. ADKINS. Absolutely helpless.

Capt. MICHEL. With no means of assisting her off?

Capt. ADKINS. None whatever.

Capt. MICHEL. I am asking this question to impress the gentlemen who are not familiar with that difference between a sail vessel and a barge and the steamer. The steamer can float herself if she is not too much in the mud, or if she is not on the rocks. But a sailing vessel is perfectly helpless and must be assisted off by tugs. And the reason of this question is to show that proper precaution ought to be taken with that sailing vessel; and the same thing applies to the barge. There have been a number of barges that have been deserted and left at sea. Now, in regard to barges—I have asked the question before—if the steamer runs into the bank from any cause whatever, the barge runs up on her——

Capt. ADKINS. Runs up on her.

Capt. MICHEL. And then, running up in that way, with a wire hawser, or with a large rope, would not that be wound around the propeller?

Capt. ADKINS. It will pick up and wind up and disable the ship.

Capt. MICHEL. Disable the ship. So that in going into a port with those large vessels, the proper precaution ought to be taken, if it can be, for the sake of other vessels navigating that locality.

The CHAIRMAN. Do you know of such a case as that ever having occurred?

Capt. MICHEL. Yes, sir; that has occurred at the mouth of the Mississippi River, and when that has occurred the vessel never was floated.

The CHAIRMAN. How often has it occurred in your experience?

Capt. MICHEL. Almost every time there was a strong breeze blowing and a heavy sea wherever any attempt was made to come in without a pilot.

The CHAIRMAN. I say, how many times?

Capt. MICHEL. Not often lately; we get off and advise the vessels not to attempt it. Recently we have advised vessels even with a pilot on board not to come in, because we are familiar with this peculiar counter-current.

The CHAIRMAN. Is there any provision made either on the tug or on the barge to take up the slack of the lines?

Capt. MICHEL. No, sir; absolutely none. In the first place, it is so sudden, and I want to ask the captain how large that hawser would be to tow three or four barges? How large would the first hawser from the tug to the barge be?

Capt. ADKINS. It would be a 10 to 15-inch hawser. Providing the tug boat was, say, from 1,200 to 1,500 horsepower, it would be about a 15-inch hawser of manila, and about 6 inches wire.

The CHAIRMAN. You mean 6 inches in diameter?

Capt. ADKINS. Six inches around.

Capt. MICHEL. That would be 2 inches in diameter?

Capt. ADKINS. Two inches in diameter for a steel wire rope.

The CHAIRMAN. There is no evidence here that any more than two, possibly three, barges are towed. I do not think the Steamboat-Inspection Service permits more than three to be towed.

Capt. MICHEL. I understood Mr. Small to state that the maximum number was four.

Mr. SMALL. If I so stated, I must have been in error. I am inclined to think that under the regulations imposed by law the limit or maximum is three.

Capt. MICHEL. I did not know there was any law on that subject, but, Mr. Chairman, what I want to bring out is that even with this 9-inch hawser, in my opinion, if the vessel had four barges that were tied to her a 9 or 10 inch hawser would be large enough, providing it was good.

The CHAIRMAN. Here is what I do not understand: When the vessel or the tug is stopped and these barges move forward, I do not understand how the line can get wound up in the propellers when the propellers are still.

Capt. MICHEL. But they are not still if the vessel has to back away from another vessel. She is required, under the law, to save life, and must back away so that they immediately back on top of the hawser.

The CHAIRMAN. That is a condition which I did not understand you to have mentioned.

Capt. MICHEL. Yes, sir; I have mentioned that on two or three occasions. What I want to bring out now is that a barge with three men working her hawser, and leaving part of it overboard—that it would be impossible for three men to haul in such a hawser. We use a 9-inch and 10-inch hawser on our pilot boats. That is used to aid vessels in distress. We have to have all of our men on deck and we use the firemen, and the pilot's help, everybody helps to pull on the hawser to get it to the steam capstan, but it is very hard to get on board of the tug and it is impossible to get on board of the barge. If the hawser parts the tow boat couldn't pick it up; it is

under the water. She must have the rope pulled in and given back again in order to get into the harbor or into some safe place. I am only trying now to show the dangers of the barges.

Mr. HARDY. I would like to ask the Captain a question along there. I think I gathered from this protest of your commission, that one of the particular grounds on which they seemed to object to this bill is the fact that it is a discrimination in favor of the barge as against the sailboat.

Capt. ADKINS. That is one reason set forth here by two of the commissioners.

Mr. HARDY. Let me ask this question: If this law should pass at all, is there any reason why we should not include the sail boats as well as barges; that is, for the schooners as well as barges to be exempted?

Capt. ADKINS. There might be a slight reason.

Mr. HARDY. What reason is there? I mean a sailboat in tow?

Capt. ADKINS. The sail vessel in tow has always, if there is any breeze at all, which it is likely there will be, the means of its sails in case the hawser should part, or in case suddenly the tug boat should become disabled, which has been the case many, many, times.

Mr. HARDY. That is an advantage in favor of the sailboat is it not?

Mr. ADKINS. That is an advantage in favor of the sail boat.

Mr. HARDY. Then there is really a better excuse for releasing the sail boat and the schooner from these charges than there is the barge; is there not?

Capt. ADKINS. The question, as I understand it, before this committee, is the necessity of a pilot. I propose to show you that with a pilot on board he would be able to do what would be the requisite thing to keep the vessel from danger or from being lost, as the case may be.

The CHAIRMAN. That is, with a pilot on board of the steamer?

Capt. MICHEL. Possibly I can bring out just what you wanted to bring out. In navigating with sailing vessels, and especially when in tow, moving in a fog, for instance, usually in the fog the man navigating the steamer could go aloft and see over the fog.

Capt. ADKINS. Yes, sir; that has been done quite frequently.

Capt. MICHEL. In looking in the distance, in order to safely navigate the vessel, you would not see any other object but the spread of the sails; but in navigating one of these things, low down in the water, they could not be seen at all.

Capt. ADKINS. Certainly.

Capt. MICHEL. So that there is a big advantage of the sail vessel over that of the barge. And as to safety at sea, the sailing vessel in a breeze can steady herself; she can set her sails according to the conditions, and if there is a storm brewing she will take in her forward canvas and set her aft canvas, so as to be able to ride it with her head to the sea.

The CHAIRMAN. Is that a part of pilotage or a part of seamanship?

Capt. MICHEL. Yes, sir; if a pilot was on board (I have been on board many a time), he would have to rig his vessel in that shape. Now, if it is possible he wants to pay off and to go ashore, he will lower down the aft sail and go before the wind with the head sail.

If you will bear with me a minute, I will say that many of these vessels when loaded, for instance, with lumber and there is a calm after a storm, the vessel has no headway and she can not be handled with her sails, and she runs in the trough of the sea and rolls with this heavy lumber in her and in a little while springs a leak, and she is waterlogged. I have towed in myself possibly 20 vessels in that condition—derelicts in the Gulf of Mexico.

The CHAIRMAN. Then they are in the shape of small barges, are they not?

Capt. MICHEL. They would under those conditions be in the same condition as a barge, except they would have better equipment for the life-saving of the crew.

Mr. HARDY. And there would be really less need of a pilot on the sail vessel than on the barge?

Capt. MICHEL. All vessels are in need of a pilot, whether a sail vessel or not.

Mr. HARDY. But if either one were to be without a pilot, it had better be the schooner than the barge?

Capt. MICHEL. There is this advantage, for the vessel sailing into the passes with a tow, that if there was a breeze and for any reason the hawser parted, or if taking a sudden sheer, as they do in the eddies, the crooks, and the whirls there and the hawser parted—if she was going into the bank, possibly he could set her head sail, or if he had it set, she would have some momentum to steer. At the same time, if she did not have that, did not have any sails set, and she was to take a sudden sheer in this crooked water toward another vessel, he would have no means of checking that vessel. There are no brakes and no power on the vessel so that she would be perfectly helpless and would possibly ruin the channel. I speak now of the port of New Orleans, and there she ought to be compelled to take a pilot, because he does not really know those conditions.

The CHAIRMAN. You will confuse this hearing. You have been talking about the waters of North Carolina, and I suggest that we stick to that.

Capt. MICHEL. Yes, sir. You will pardon me, but I wanted to answer Judge Hardy's question. I realize that he wanted to know the difference between a barge and a sail vessel.

Capt. ADKINS. Now, Mr. Chairman and gentlemen, in regard to the necessity of a pilot on board of barges, I have two or three cases here that came under my supervision and in which I was one of the parties in one case. There has been a great deal said here in regard to the United States licensed pilot, for whom I have great respect in many instances. I am one myself. I have the honor, gentlemen, also of holding the highest license that is issued by the United States Government local inspectors for both steam and sail.

The Standard Oil ship *Brilliant* (and I won't call the captain's name; he is as fine a fellow as I ever saw) towed a Standard Oil barge into Cape Fear, and he took his pilot in and out. He was informed by the company that he must get a license for Cape Fear and get rid of that pilotage fee. The captain did it very reluctantly.

Mr. SMALL. This is a steamer you are referring to?

Capt. ADKINS. A steamer. I will come to the barge later.

The CHAIRMAN. We just wanted to make it clear in the record.

Capt. ADKINS. Yes. He did so very reluctantly, because he knew the conditions at the Cape Fear bar and the river, and he is a thorough sailor and a competent man, and he realized that nothing short of individual local knowledge was necessary to pilot that ship with safety. But he undertook it on the next voyage and the result was that we put one of our pilots on board of the barge. The barge drew 19 feet and this little ship *Brilliant* drew 23 feet, and it was in our low water, and our channel forms almost a complete letter "S," coming from the sea and going up to Southport, and coming northeast by east and half east and over to east and then back again to north northwest. The pilot knew that if this *Brilliant* went on the ranges from Blow Head up to and past Battery Island light that she would go ashore. The strength of the ebb tide was about three-fourths ebb, which made the strength of the ebb tide full. The ship grounded and he did just exactly as Capt. Michel has stated here. Seeing the difficulty and knowing the danger, he helmed to port and sheered the barge over to starboard and missed the ship, and no damage resulted except that the ship went ashore and the captain was transferred to a tugboat.

Now, that was an absolute fact that I know to be so, because I was looking at it when it happened. There was a clear case, gentlemen, wherein the pilot of the barge was a necessity. There was a ship worth \$100,000 or \$125,000. It was a small ship, but I guess she is probably worth \$175,000 now. The barge was worth as much or more, except the machinery, and if there had been no pilot on that barge I venture to tell you gentlemen, absolutely without fear of contradiction, that I believe a collision and the very gravest calamity would have taken place. Naturally the most natural thing in the world for a man not knowing would be to sheer that vessel to port instead of to starboard—the most natural thing in the world—and that would have thrown the barge in the suction of the steamer, and that barge undoubtedly would have gone down. Both were deep loaded with kerosene and gasoline.

In another instance, when I was present, two years ago, the tug *M. G. Luckenbach*, towing the *Chillum*, once a fine old full-rigged ship, which there is no beauty in the world can equal in vessel kind, and the *General Knox* towing the other, and old steamship rig called the *Camden*, both of them bound out with the strength of the ebb tide, about three-fourths ebb. They had a pilot on the tug and a pilot on both barges, and I was on the stern barge.

The pilot on the tug, one of our local pilots, had not been around the bar for quite a little while and was not up on the conditions that obtained there right at that time and he went just a little too far to the westward, following the *General Knox* that was next to him. I was astern, and seeing the condition and the danger, I began to put my helm to starboard, and that put the *General Knox* in this position [indicating], and I took to pulling on this bow and my pulling on this quarter it is as helpless as anything in the world could be, and the result was that the *General Knox* ran ashore and I kept my barge afloat. She was gotten off because it was late on the tide when she grounded. The pilot of the boat put his helm hard to starboard—I could see that—for 10 minutes before she grounded, trying to bring her out, but in that cramped position he was unable to do it.

Another case that I saw——

The CHAIRMAN. I suppose, of course, you had three pilots in that instance?

Capt. ADKINS. Yes, sir; we had three pilots.

The CHAIRMAN. And they failed to keep the vessel, the tug, and one of the tows off of the shore, or the bank?

Capt. ADKINS. That is true; yes, sir. But one barge escaped, and in my opinion with other than a pilot on the stern barge there would not only have been one vessel on shore, but there would have been a very serious collision.

Mr. SMALL. What was the draft of that last tug and barge—the one you last cited?

Capt. ADKINS. There were two. The tug drew 17 feet and the *General Knox* drew 22 feet and the *Camden* drew 20½—the ship I was on—and each one of the barges had about 25,000 crossties on.

Another instance which I saw—I saw it getting off: It has been stated here that in the fair way even a fool can steer a barge as good as the best expert pilot in the United States. I heard some statements made here that to me were perfectly astounding. I am a practical man, gentlemen. I have been at this business all the days of my life. I have been in every vocation aboard ship except as cook; I never cooked. I heard these statements made here by gentlemen that I believe to be absolutely honest and sincere, which to me were perfectly astounding. These barges are never steered after the tug if they go right. They can not steer after the tug and go right and come in from the sea to Southport. The barge makes that crook. The Southern Transportation tug *Virginian* was towing in three barges in a heavy southwestern gale, and we had to put a pilot aboard of the stern barge. The other two barges were not bound to Wilmington. And the captain of that tug is one of our most experienced and competent pilots, Capt. Burroughs, a thorough seaman and as competent a pilot as we have at Cape Fear, but knowing the state of the tide, a strong flood tide, flowing from the southwest, a tide running northeast and thence across to east, he threw that tow across that tide at four points. But knowing exactly how far he could go with that tug, as we call it to windward, he was unable to hold that tow up and suck it in by the lea shore, but together with the help of the pilot on the stern barge he held her up all he could. And she just skinned by, as we call it.

And I venture right now, gentlemen, to say, had the present commander of the *Virginian* been in charge of that tow, to-day one or two of the barges of the Southern Transportation Co. would have been wrecked on the bar shoal at the entrance to the Cape Fear River. I do not hesitate to say so, because, with all due respect to his ability, it is utterly impossible for him or any other man to have that local knowledge necessary to take that tow, which was 1,200, 2,400, 3,600 feet from the bow of the stern barge to the stern of the tug, which was towing with 200 fathoms of hawser, which would look like half a mile of hawser, honestly—that is to say, the length of the hawser would be 175 to 200 fathoms—and he said he had out every fathom of it and it seemed like the longest hawser I ever saw on a tow. That looks that way very much more on a deeply loaded craft than it does when you lighten her up. The hawser just makes that

little difference; the craft, being deeply loaded, makes that appearance.

Mr. SMALL. If the master and owner of the tug disagree with you and think they can take a tug and barges in with perfect safety, why not let them risk their own property and do so?

Capt. ADKINS. That is their privilege.

Mr. SMALL. That is all they wish.

Capt. ADKINS. Yes, sir.

Capt. MICHEL. Captain, if they did that, and an accident happened to the channel, either there or in any other port, would the barge be responsible?

Capt. ADKINS. I do not think so.

Capt. MICHEL. Would that be proper consideration for the different States?

Capt. ADKINS. I do not think it would by any means.

Mr. SMALL. I would like to say as to that, if you are asking as a matter of law, that the tug and the barges would be responsible for any damages to the owners?

Capt. MICHEL. If the channel was blocked, and if the other commerce of the port was blocked—I did not ask that as a matter of law; I would not pretend to ask any legal questions, because I know nothing about law.

Mr. SMALL. I thought you were asking about the liability—whether he would be liable or not.

Capt. MICHEL. Should they be held responsible?

Mr. SMALL. If there were any accidents, certainly he should be responsible.

Capt. MICHEL. Suppose a man was doing all he could, and did not have a local pilot, did not take that precaution, and blocked the pass or channel, wouldn't he damage the port and the interests of the city at that particular place?

The CHAIRMAN. Proceed, Captain, and when you get through we will conclude the hearing for the day.

Capt. ADKINS. As the honorable chairman of the board of commissioners of navigation has said, our pilots are not made in a day. They served formerly at the port of Wilmington nine years for their apprenticeship; and after applying for a license from him he had to apprentice to two other full licenses. They serve now for four years; conditions have changed. So that pilots apparently are a necessity in North Carolina, as they are in most every port in the world entering from the ocean. I will say in 75 per cent of them, both in Europe and America, they have the compulsory feature.

Mr. SMALL. Mr. Chairman, we do not intend to set up any issue as to the competency of State pilots, because if the pilots on steamers must have a Government license, and the Steamboat-Inspection Service also, I think we are encumbering the record by that.

The CHAIRMAN. Yes; we assume they are qualified. The question is, are they necessary?

Mr. SMALL. Yes, sir.

The CHAIRMAN. Is it necessary, in the interests of safety of property and life and of safe navigation, to tax commerce by having to pay these pilotage fees?

Mr. SMALL. These local pilotage fees?

The CHAIRMAN. Yes.

Capt. ADKINS. My contention is, Mr. Chairman and gentlemen of the committee, that if a pilot is a necessity for the benefit of commerce, that necessarily he must have sufficient remuneration to sustain life, to keep him, so that he can be a pilot.

The CHAIRMAN. Is not this the crux of the whole matter, that there are certain vessels on which the services are necessary, while their services are not necessary on barges, but the revenue derived from compulsory pilotage is necessary to provide the necessary funds to maintain the organization?

Capt. ADKINS. Yes, sir.

The CHAIRMAN. That is it?

Capt. ADKINS. Yes, sir. Now we claim that we are entitled to sufficient remuneration in order to carry on this business, and I will make the statement now that the pilot business is not unlike any other business. I will call your attention to one thing that we have all over the United States, that there seems to be very little difference in, and that is the public-school tax. I pay the public-school tax, and I have not any children now who are of age to be schooled, still I am paying it and expect to pay it as long as I own a dollar's worth of property. I have got it to do under the laws of the State of North Carolina. And then I claim that we do not only furnish a service for the benefit of commerce, but we furnish a service to the benefit of life and property.

The CHAIRMAN. I do not think it is necessary to dwell on that. I think everybody agrees that you are a fine body of men, and that you are as expert at your business as any other man in a chosen profession or calling, if there is any service in which you are needed. The question is, are you needed on these barges?

Capt. ADKINS. We have always been accepted and that very generously, and treated perfectly white, I will say, by the captains. And still I have heard it asserted that we did not furnish those barges with the pilot. That is absolutely false. We furnish the barge with a pilot; they go on board in the particular times that I have mentioned, but we do not bother with them when they are empty, because we thought it was an advantage to the barge people; and it was asked of us through a third party.

The CHAIRMAN. Of course I do not want to cut short your statement, and I want you to have ample time, but it is now 5.30, and I suggest that we adjourn, to meet to-morrow morning at 10 o'clock.

Capt. ADKINS. I would like to have one more word. I wish to exonerate the Cape Fear Bar pilot from any blame or knowledge of any sort connected with the Beaufort pilot law. We know nothing in the world about it; if we had known about it, we certainly would not have approved it.

Mr. OAST. I did not say you were connected with it, Captain.

Capt. ADKINS. I understand that, Mr. Oast, but then you say "the pilots," and do not designate those pilots.

Mr. OAST. I said the Beaufort pilots, and that is my information.

Capt. ADKINS. All right; I thank you very much for that.

Mr. SMALL. Now, Mr. Chairman, I do not want any misunderstanding here. No suggestion has been made about Georgetown, S. C., or Beaufort, S. C. Capt. Adkins, in his testimony, read statements by the board of commissioners of navigation and pilotage and when he was probed by Capt. Michel, who evidently wanted to draw

out of him the statement that the commissioners there have refused pilotage, or the pilots themselves have refused the pilotage, he said that nothing of the kind had been done. There is some suggestion of an arrangement at Savannah; none at Brunswick, Ga., and no suggestion as to any port in Florida. So there is nothing for us to act on.

(The following resolution was omitted from the first day's printed hearings, p. 57:)

This association is committed not only to the construction of the intracoastal waterway, but to the promotion of coastwise trade between different ports and rivers. It is conceded that much of this traffic will be carried in barges towed by tugs. Until every link of the proposed waterway shall be completed, such fleets of barges under tow will use the inside route in part and the ocean in part, particularly between northern and southern ports. Under section 4444, Revised Statutes of the United States, such tugs or steam vessels having barges in tow are exempt from pilotage charges imposed by any State in cases where the pilot of such steam vessels has a license under the laws of the United States. We favor the enactment by Congress of legislation exempting barges from all pilot charges imposed under the authority of any State.

(Thereupon, at 5.45 o'clock p. m., the committee adjourned until to-morrow, Wednesday, February 8, 1916, at 10 o'clock a. m.)

COMMITTEE ON MERCHANT MARINE AND FISHERIES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., February 9, 1916.

The committee met at 10 o'clock a. m.

Present: Representatives Alexander (chairman), presiding, Hardy, Burke, Saunders, Bruckner, Lazaro, Byrnes, and Hadley.

STATEMENT OF CAPT. JAMES J. IGOE.

The CHAIRMAN. Give your name, business, and what interest you represent.

Capt. IGOE. I represent the Charleston Pilots' Association. I am a Charleston pilot.

The CHAIRMAN. You may proceed.

Capt. IGOE. I have been in the tugboat business for many years on the coast in Cuba. I wish to say that the Charleston Chamber of Commerce indorsed the Small barge bill. Later on they passed other resolutions, or rescinded their first resolution and opposed the barge bill; that is, as far as the bars and harbors were concerned. If you do not have the resolution I will give it to you.

Mr. OAST. I should like to see it.

The CHAIRMAN. Read it, please.

Capt. IGOE (reading):

Whereas after an examination into the receipts and expenditures of the pilots of this port for the past five years, we are satisfied that any law or regulation which deprived the pilots of any receipts from coastwise shipping, or which even cut down such receipts to any considerable extent, would seriously impair the pilotage service at the port and be very detrimental to its interests; and

Whereas the harbor commissioners of Charleston Harbor have made such changes in regulations and pilotage rates with respect to coastwise shipping, and especially with respect to all barges that could use the inland waterways now being provided by the Government, as appear to us to be reasonable and just and in our opinion will be satisfactory to our shippers: Now be it

Resolved, That the Chamber of Commerce of Charleston does hereby modify its resolution in respect to the Small bill now pending in Congress, so as to confine its approval

to the abolishment of any canal toll in the form of pilotage or otherwise upon vessels of any kind while passing through any portion of said inland waterway, but leaving to each Southern State, through its proper agency, the regulation of pilotage on coast-wise barges and schooners which may be brought into or may enter these ports from the ocean, as well as on vessels coming from or bound to foreign ports.

Mr. OAST. May I ask the date of that resolution?

The CHAIRMAN. Do you know what it was?

Capt. IGOE. Yes, sir; it was, I think, about the 3d or 4th of February, 1916.

The United States licensed pilots were spoken about, and when the licenses were given, etc. The licenses were given in 1871, and of course it was never contemplated by the Government of the United States at that time that the barge tonnage would increase to such an extent as it has to-day. I think if they had foreseen such an increase they would have put more restrictions on such things, for the fact is the way the barges are handled it places more hardships on the masters of the tugs holding those licenses; but the masters of those licenses can not object a great deal, because if they did they would lose their positions. It will go along in the same as the case of United States inspectors and masters. Like others they have had trouble with the sinking of vessels and loss of lives and fires, and so on, and the masters were not able to protest against the equipment they had on board, and they could not make requisitions to the superintendents, and so on; but of course they had to stand the brunt, so it became a hardship on the masters, so to-day if anything happens of course the master is brought to blame. He is the one who has to stand the whole trouble. In other words, he is the man who is held up for manslaughter. The superintendents get out of it and the inspector generally gets out of it in some way or other. The Government has gone to work and done this to save those men. They passed a law that any master or engineer or any person can go to the United States inspector and report on any damage or any depreciation, at least, in that vessel, secretly to the inspector, and the inspector can not divulge it. He must then send the information to the Government. That is to keep the owners of these vessels from discharging these men.

The CHAIRMAN. Yes; I reported that out in the last Congress.

Capt. IGOE. Yes, sir; now the same hardships are being placed on United States licensed men as I know, because I have been captain of a tug for 20 years towing on the coast of Cuba. They are forced now to tow barges under that same license, and if anything happens to that barge the United States master of that tug is held responsible. I simply want to explain to you the hardships that are placed on United States licensed men. I have been in a position for 20 years to know exactly where it falls.

Mr. OAST. May I ask a question?

Capt. IGOE. Yes, sir.

The CHAIRMAN. You had better let him finish his statement first.

Capt. IGOE. To show you that the Government is coming back to where our original State pilotage has been in restrictions made in 1600, they had in 1871 these licenses so that anybody could go up and get them. I remember it well. A little later on they sold them for 50 cents. Anybody could buy them for 50 cents. A little later on, I

believe, they put a little higher price on, as I remember, but eventually they—

The CHAIRMAN (interposing). You say "they." Who do you refer to?

Capt. IGOE. The Government, of course; they were handling the situation. They then introduced an examination and that examination has been increasing, becoming a little harder to pass, all the time. So our examination is between a pilot, a steamboat man, and a shipmaster. He must be a shipmaster before the Charleston pilot can get a license. That examination is oral between those men, with a typewriter now to take everything down. It is taken down and if in their judgment he is capable of holding a license they will indorse him to the board of commissioners before he can get a license, and before he can enter as an apprentice in Charleston he must go through an examination; he must take an eye test; he must be examined as to his physical and mental condition, his education, and his moral character before he can proceed. Three years ago one pilot's son was turned down on account of his sight. They would not accept him. To show you the State law has been that way and the United States Government law is gradually coming toward it and in some cases has gone beyond it, when they put a fine of \$500 on a vessel that attempts to navigate the inland waterways without a United States pilot.

Now, we have aboard our pilot boats bar pilots holding these State licenses and pilots holding these United States licenses, for the benefit of American ships that would come to our port to relieve them of their fines and give them quick dispatch in and out. The American Hawaiian Line comes to Charleston and other ports and they put their ships under foreign register so there will be no trouble in the United States, so the bar State pilots could board them, and I have understood it cost them \$900 to do it, and they now carry cargo coastwise under foreign register.

Mr. BURKE. How is that?

Capt. IGOE. The Hawaiian Steamship Line, so as to avoid all this effect of the United States license men, have put their ships under foreign register. In other words, they fly the American flag, but put them under the foreign register so as to eliminate any illegalities that might come about by the United States license man so the bar State pilots may come aboard of them.

Mr. BURKE. Is that permissible under the law to allow a vessel registered in some foreign nation to fly the American flag?

Capt. IGOE. You see, this is an American ship. When she goes foreign she is compelled by the law to go under foreign registry.

The CHAIRMAN. Oh, no; I think you are unfortunate in your language there. If an American ship engages in the coastwise trade it is enrolled. If it is engaged in the foreign trade, then it is registered. It is not on foreign registry, it is an American registry, but the ship is in the foreign trade; and the American Hawaiian Steamship Co. are not foreign ships, they are American ships that are under the American flag that may be engaged in the coastwise trade, and they have registered so they may indiscriminately engage in the coastwise or in the foreign trade.

Mr. OAST. Or either one.

Mr. HARDY. Let me ask you a question about that: Whether the ship registered, which is the usual term applied, to be allowed to run

in the foreign trade—whether that ship may also without enrollment engage in the coastwise trade?

Capt. IGOE. Yes, sir; they come from from 'Frisco and Seattle to Charleston under registry, and I asked the master how that could be done. He said, "Yes; we can do that." I asked how it was done, and he explained why it was done.

The CHAIRMAN. But that does not make any difference.

Capt. IGOE. I simply want to show you that point. I wish to go on to show that there is nothing better to be done than the State pilot service, because they can not leave their port. It is all they know, the currents at that one particular place, the soundings at that one particular place, and everything bearing on that one particular place. They are restricted by the commissioners of pilotage that are appointed by the State. They can not leave unless they get a leave of absence for a short time from this commissioner of pilotage, and those men are quite familiar, as all men would be, with that life profession. The profession, or whatever you call it, of a State pilot in a local place is different from any other. You take a lawyer, and a lawyer can go to any part of the country and use his knowledge; take a doctor, he can go to any part of the world and use his profession. You take any person who has any profession and they can go any place, but of course a pilot would have to dig up his knowledge from the bottom and the currents of that harbor and carry it away. Well, he can not use it anyhow because it is not knowledge that he can take with him; he is restricted to that one particular place, absolutely restricted to that one place, and he would have to spend his life there for the benefit of commerce, not for the benefit of pilots. The fact is the only compulsion about it is that the vessel should pay the pilot for giving continuous service at the expense of operating his boats for the benefit of all ships.

The laws are very stringent on pilots. If we are not on that bar at Charleston it is a fine of \$50 a day, in the discretion of the commissioners. All those things must be taken into consideration. We are under the Government of the State. In case of war the United States Navy Department would write to Charleston and get the names of all our pilots, and they may take a pilot to a division if they wanted to go down the Atlantic Coast so that if any of the buoys were taken up or destroyed they could get into Charleston, into the Navy yard without buoys or other marks, because the pilots all have landmarks, and you can take up every buoy in Charleston Harbor and they can go in with the big-draft ship right up to the city. That is the particular thing with the pilot. He spends his life at that one place, and any man who spends his life and puts his brain at one particular thing certainly must know it. That is why they get diplomas for these things.

Speaking of boats. Of course there are barks, warships, sailing barks, sailing schooners, deep draft of all classes. These men know how to work barks, ships, and schooners; they can handle them all, and also steam. It of course is their business. They deserve no credit for doing that. It is their business and no man deserves credit for knowing his own business, although some men may know it a little better than others, but this is their business, their profession, it is all they know. Now, when a tugboat comes to a vessel and takes the hawser, if the pilot is about the vessel he gives the captain

all instructions. Sometimes those tugboat captains do not know the way in hardly. A man in a tugboat may be discharged to-day and to-morrow they may hire another man with a license. There was a case in point in Charleston which had to do with the tugboat *Victory*. The tugboat captain has gone off and is employed by the Southern Transportation Co., as I understand. A new man altogether came down from Baltimore to take that tugboat.

Mr. OAST. What is his name?

Capt. IGOE. Capt. Walker. I think he is employed in your company, the Southern Transportation Co., in Baltimore. While he was at Charleston, he would be down towing on the river, and very seldom went out over the bar, but he did go out over the bar at times. Now, the captain of this schooner, I was talking with him over the phone, and he said, "I want to go to sea to-night." "All right, sir," I said, "what time do you want to go?" He said, "I want to go at 6 o'clock." I replied, "All right, a pilot will be here for you at 6 o'clock." "Now, Captain," he said, "you have got a strange man in the boat; he has never been down over that bar; he has a license for this harbor, but he has never been down over the bar and does not know anything about it." He said, "That is what worries me. I want your pilot to go in the tugboat ahead of my vessel." That was the four-masted schooner *Lizzie*, Mr. Parsons sailed out of Charleston four days ago. I said, "All right, Captain, when your vessel gets down the creek I will put a pilot aboard the tug, because that gentleman does not know; he has never been out there."

Here is the question of the United States pilot license. A man can hire a man from New Orleans to come up to Charleston, and he has only been indorsed by the inspectors that he can navigate that vessel, and many ships with such a man aboard holding United States license take the local pilot aboard. There are the conditions that exist. The Southern Transportation Co., when they employed Capt. Snyder aboard one of their own tugs that are operating to-day, testified up here that they took a pilot three times aboard of his tug off Charleston bar, until he went up to the inspectors and passed an examination as to currents in Charleston Bay. What kind of an examination was that when he came and picked out the currents from a map? Is that local knowledge? Is that what the country is looking for to-day, when we say safety to life and property? Far from it. They deviate from what they are trying to do when they attempt to affect a State pilot, who is there from time to time and at all times to render this service to all ships. They say in their statement there that it is in the line of progress. No, gentlemen, it is not in the line of progress, it is not in the line of safety to life and property, but in the line of profit to corporations. You can make nothing else out of it. When it is sifted out, you will find that two and two make four. And when the lumber companies of the South, or of Charleston, will make a contract with the shipowners where the shipowners or vessel owners have the handling of the freight and the lumbermen are the buyers in competition with each other, the lumberman is trying to get his freight low, and the shipowner is trying to get his freight high, and when they combine and make a compact, an agreement, there is something wrong against the third party.

Mr. BYRNES. There is a condition very much like that out on the Pacific coast. You take these barge people, they own the lumber mills as well, do they not?

Capt. IGOE. No, sir; they have nothing to do with the lumber mills, sir. If they did, I would say it was for the benefit—but they are separate parties.

The CHAIRMAN. Do they give a cheap rate to the owners of the mills?

Capt. IGOE. They did for one year, as was stated by a gentleman before the chamber of commerce. They made an agreement with them for one year, a rate a little cheaper than the going rate at this time, but that does not affect the fluctuation of rates after this period is over, because it will roll along in the way of supply and demand.

The CHAIRMAN. That is the natural way. If they do not do anything worse than that, follow the law of supply and demand, I would not object.

Capt. IGOE. But I want to say, if we roll along on the same principle after this compact or contract as before and three years ago, before the war, with the ruling rate of \$3.50 or \$4 per thousand—

Mr. OAST (interposing). I do not mean to interrupt the gentleman right along, but I should like to ask what he has in mind when he says a compact between the barge people and the lumber people. Perhaps it would be better to let him answer that to summarize his meaning.

The CHAIRMAN. Yes; I did not understand what he meant.

Capt. IGOE. I mean this, and I should like the gentleman to answer, also, that, When is a buyer the shipowner? The mill, that is not interested in the ship, of course, is the buyer, naturally. Now, the pilots are the third parties. It is taken away, and the lumber company has made a contract for one mill at a less rate, as Mr. What-do-you-call-him said, that it cost them \$3,000—Mr. Montague, the lumberman. Is that right?

Mr. OAST. I think those are the figures, substantially—\$3,000 a year—he paid you that in pilotage.

Capt. IGOE. He never paid us a cent. We got our pilotage from the Southern Transportation Co., of Philadelphia. Is that not what you said, sir?

Mr. FRY. Yes; but paid through us.

Capt. IGOE. All our bills went to Philadelphia. We did not know the other people in it at all.

Mr. FRY. Will the chairman let me explain?

The CHAIRMAN. Yes; so far it is as clear as mud.

Mr. FRY. We have, as a matter of fact, explained it in evidence, already submitted. We charge in our contract with these lumber people—we charge them with the pilotage, when they pay it, and they reimburse us. They pay all of this pilotage that goes ahead—

Capt. IGOE. Through you, sir?

Mr. FRY. They paid it to you through us—that is, you render bills to us and we pay the bills and turn over to them and reimburse them.

Capt. IGOE. I only know we send bills to you and you send some money.

Previous to the engineer's sounding the bars—I want to explain that to you. The local engineers—the Government engineers—if there is money appropriated for a particular purpose, such as a bar or a river, they will sound that out and find out about what money it

will cost to dig that place out. They then will recommend to the Government that the cost will be \$100,000 or \$200,000. The Government then appropriates the money to dig this place out. As long as that work is going on the Government will keep continually sounding that place until it is completed—as far as the money goes. After that they sound no more. They are done with their project.

Then the local pilots have to keep that sounded all the time for the benefit of the commerce of the port. To show you on the Geodetic Survey, if you will look at the chart, that portion of the harbor outside of the bar, the outside there had not been sounded by the Government for 13 years previous to 2 years ago. They are now surveying it. To show you what happened, 13 years ago these local pilots kept continually sounding those places for the benefit of all commerce, and for commerce they do not get paid for. If we go up to a lighthouse inspector and say, "I find a shoal up here, I find the water is deep there," they have always gladly shifted the buoys. Of course that is for the benefit of all commerce, steamers, and everybody else to have those buoys shifted, to keep in touch with those things, and for ourselves in case of thick weather there. In clear weather it does not make so much difference, because we have our landmarks. When the Government appropriates money for a particular thing, after that project is finished they are done with the soundings, but the pilots keep it up, and they often ask us if we have found any changes in the bar or outside after they have completed this job. The Geodetic Survey, as I say, had not sounded for 13 years up to a few years ago. Now they are making soundings from the land out. Last year they sounded well out to get a survey. But when that is done it is absolutely correct; there is no question about that being correct, but the changes take place afterwards, because we have a long shelving coast that will deepen about 1 fathom to the mile, and when it blows up there you can see it breaking in 6 to 7 fathoms, solid breakers. That keeps that moving. I know a tugboat called the *Moss* that attempted to go over the bar, got the wrong lights on, and the tugboat drifted and the schooner drifted, and the dredge *Charleston* towed the *Moss* up, and before she could get her up she sunk, and in one year her stack was out of sight, and I sounded and got over 10 feet of water where she went down. The schooner I towed up in the channel. She was leaking a little, but the *B. W. Moss* sank there and went down and I had 10 feet of water over her in that quicksand. That will give you an idea of the condition there.

We have been very successful in getting in since the war, because our shipping has been paralyzed in the cotton belt and the fertilizer belt. Of course all that business is gone, and there have been very few ships coming in there, so much so that we hardly scrape out a living. Suppose those tugs towing these barges in there, suppose they have four barges with a hawser 400 fathoms long, three-fourths of a statute mile—just think of it, and with the jetties only a little over, I suppose, or just about the same between the mouths of our jetties. Now we have strong cross currents there. There is very little at times, but it is very strong at times, and the current in every 12 hours revolves around in a circle, 360 degrees in 12 hours, and when on the high water the current comes up this big pile of rocks it increases the current around the rocks there to four miles an hour, and steam-

ships sometimes come in there; of course they lay to and let go both anchors and back full speed to keep from going on the stone pile. I have known that to be the fact as to two or three ships. These cross currents of course exist and are most severe, the greatest speed is on the full moon and the wind southwest.

Take Ambrose Channel in New York. The Government has prohibited all barges and sailing vessels from entering Ambrose Channel because they have another channel going. There is nothing to interfere with steamships passing in and out of Ambrose Channel, N. Y. Some time ago when they buoyed off this new channel, I said to Capt. King, "Put two buoys on the North Channel and," I said, "Put two others on the South Channel, because the worst trouble we have with that current is when the wind is southwest and high water." They put them down that way and we keep continually after this and when there are any changes to be made they take our advice and change it, and they change their whole course, not alone what we pilot but the whole commerce. After they had buoyed out this new place, they took the buoys off the east channel, and I said, "Can you not get those buoys down?" He said, "I could move a buoy for you, but I do not think I could put the buoys down in that new channel." He said, "If you will write me a letter explaining that I will send it in to Washington." I explained that whole situation to him and he sent that letter in to Washington, and by return of mail instructions came back to put buoys down. That is to relieve the congestion in the straight channel. I have just made a little sketch of it here. Here is the straight channel, out here is a buoy—

The CHAIRMAN (interposing). That will not be intelligible in the record. It is all right when you have your map, but instead of saying "this way or that way," say "north or south."

Capt. IGOE. On the high water the current runs around the rocks north at a speed of about 4 knots. This all lies in the cross current, this straight channel. They put these new buoys down and took these up. I took the matter up with the lighthouse inspectors, and by return mail the authorities at Washington said, "Put them down as the pilots want." The buoys were put here [indicating] to spread so we could use this place, if we saw a ship coming down to pass out the big channel, there is about 3 feet of water in here, but this we can use for big vessels. These buoys were placed there. We can use that if we see a ship going out this straight channel, but if a barge is going to use this straight channel with the long hawsers stretching across the channel, of course it is going to block it up. For instance if the course is west—

Mr. OAST (interposing). How wide is your channel?

Capt. IGOE. It is a short channel about 800 feet, the inner channel about 600 feet.

Mr. OAST. I am informed it is 1,000 feet wide with a depth of 30 feet low tide.

Capt. IGOE. The deepest is about 30 feet, then it comes up that way 1,000 feet, but on the sides of this channel it is only 13 feet, and that is what they fear, the washing down of this hill on the sides. It is like the Panama Canal when that mountain fell down. They fear it will fall down, and we keep them continually sounded for fear there may be radical changes in that place.

Some years ago we had a dredge on this straight bar, as I have shown you just now. The depth changes, there is only 7 feet on that place at low water. That dredge cut it down to 14 feet at low water, that same straight channel that was proposed by the Government to straighten. Then the boilers of the dredge gave out. She went to Norfolk. She was away three months and when she came back he found the same 7 feet there as when he left and he could only dig under the high water, then had to go away down below the old channel by the lighthouse and come back again until he could cut down through there. When he got that cut down about 15 to 16 feet at low water the current from the mouth forced him down until eventually he had to abandon it. It forced him right down to put a big circle in this channel.

The *Raleigh* came into Charleston and he refused a pilot off the bar because that was his privilege, but if she takes a pilot the local rates must be paid. He came in on those ranges as shown on the charts of the Geodetic Survey, and he piled up on that shoal that had grown down there, and forced the dredge out of that channel, and it took the lighthouse tender and all the tugs in Charleston to pull him up and when he got ashore he took a State pilot aboard.

We then discovered there was a little deep water to the north in this northeast channel here, but there was a little barrier over it, a ledge over this channel. We advised putting on the dredge and cutting away that ledge, and that was used for 12 years after this place had filled up, because the money from the Government had run out; they had no more appropriation to dig it out. That is what we do. We keep that place sounded, we give advice for the shifting buoys, we suggest things for the benefit of our port, we suggest them and they listen to them, and through that advice they cut that barrier away, and they use that there and gave us 20 feet of water when they cut it away at low water. So that filled up and laid there for years, until they got another appropriation to cut that straight channel out. They put the most powerful dredges on that place to cut it out.

Now, to-day they have got to cut it out this depth below 13 feet on the sides and lumps all around the outside and less water outside in the ranges than on the bar.

Mr. BYRNES. Outside of the jetties?

Capt. IGOE. Yes. I can show it to you. So that is the case with Charleston, and if we do not get money a little later to keep that dredged out it is going to fill up again. That is the way with all southern ports and the way with the northern ports, too, after they get out a certain distance where they strike this whirl of current it will be a dredging matter all the time. Of course we have gotten down so deep now, but that shelving place they will have to dredge it. So we are not the defenders of fate, but we are the defenders of this proposition that would accomplish the destruction of a system that is for the benefit of all ports, of the commercial interests of the ports, and we never get away, we are always there, though they may not want us, simply because they do not want to pay us. That is purely because they do not want to pay to keep up a service for the benefit of the whole shipping interests of Charleston. Ships come in, sometimes at night, one at 9 o'clock at night. We went in to save the ship. Several ships have been that way—it is not one, but several. They know that Charleston is a port now; so we must be continually

sounding and keeping the run of the changes and washings for the benefit of our port, because we do not want a ship to get ashore, then swing broadside 600 feet outside there until she blocks Charleston Harbor up and ruins our reputation, and it will be in the New York Herald and every other paper that Charleston Harbor is blocked up, and other ports will receive the benefit. That is a serious matter to consider.

The CHAIRMAN. I understand the gist of your proposition is this. While it may not be necessary in every instance for them to have pilots on their barges, that they are interested in having the ports opened for commerce and the limits of these channels definitely understood.

Capt. IGOE. Yes, sir.

The CHAIRMAN. And that, indirectly, they are beneficiaries of the knowledge which you, as the local pilot, give for the benefit of all commerce entering the port?

Capt. IGOE. Yes, sir; that is one particular point.

Mr. BRUCKNER. That is the point you want to make?

Capt. IGOE. Another thing I want to say. If a pilot were aboard those ships and coming down a straight channel, of course, a man with a license, if he had a knowledge of this channel, he could haul his tow outside with a boat, but of course he is forced by pressure of his job to do these things and testify to these things which are not absolutely right; they force him into a hole, these gentlemen do, to the detriment of commerce.

Mr. OAST. You say these gentlemen who have spoken in behalf of this bill and have testified here are speaking from interest. That is your charge, I believe?

Capt. IGOE. From interest.

Mr. OAST. Yes, self-interest, because they are in the employ of the vessel owners. Is that not the same interest that brings you here to present your side of this case and keep, as you say, your income from this pilotage. I trust, Captain, that you do not intend to infer that these gentlemen are not sincere and honest in their evidence merely because they are interested. The same reasons would apply to yourself, you know?

Capt. IGOE. I will answer by this question. It may be a sincerity on their part, but if it was sincerity on their part why do they agitate the Government to pass laws that they will not be hampered in any way if they make a report of any defect in that steamer or in that vessel that might tend to destroy her or her passengers at sea, to place confidence in the inspectors that he shall not divulge any reports made against her? There is a question, gentlemen.

Mr. OAST. I will answer that when you close.

The CHAIRMAN. You need not answer that. We passed a law for the very purpose of removing the embarrassment from a captain or mate on a vessel and leaving him entirely free to report to the inspectors any defect in the vessel or equipment without danger of discharge.

Capt. IGOE. Yes, sir.

The CHAIRMAN. And I believe that was very wise legislation.

Capt. IGOE. Very wise.

Mr. BYRNES. In regard to the statement of the other gentlemen. It did not necessarily reflect on them at all, but as to their statements,

I remember one, Capt. Brown, I believe, at the last hearing, who talked about going into your harbor and not seeing a pilot on the job at all?

Mr. OAST. Mr. Byrnes, may I suggest that Capt. Brown spoke only of his experience at Savannah. Capt. Igoe is a Charleston pilot. Capt. Spencer—

Mr. BYRNES. No; I knew him when I was in knee breeches. That is the reason I asked him.

Mr. OAST. Capt. Brown spoke of Savannah only.

Mr. BYRNES. I remember asking him specifically about Charleston, and I remember he said since this agitation started they had been more active, but prior to six days preceding this time that he had been in Charleston and without seeing a pilot.

Have you ever heard of them going in there without seeing a pilot, and, if so, is it possible that sometimes a ship might go in there and try to avoid seeing a pilot in order to escape pilot charges?

Capt. IGOE. Gentlemen, we are supposed to be there always. We have a power boat 100 feet long with engines in her. She is built for the purpose of staying at sea, built at Chelsea, Mass. (something in the shape of a fisherman), built by Mr. Greene, and these boats are always there. Now, sometimes when the pilots go to sea and this boat takes the pilots out they have to go back again we run just inside the bar a little ways, and even to Sutherland Island and drop them out and go back again. I am going to tell you the absolute truth. Now, these gentlemen might have come there in the night, and the pilot boat's light was not showing or it might have been a little hazy. That may have happened. Still at the same time, Capt. Brown, when he came there, did not come to take a pilot. In other words, we do not charge vessels if loaded in Savannah and coming out to Charleston to anchor for a harbor to connect up their tows.

Let me tell you what we did 20 years ago, gentlemen. They were all schooners in those days. We said: "Boys, of course, our law does not exempt anybody." The United States law says \$50 fine regardless to exempt any vessel, but we do exempt them ourselves. Suppose a vessel was loaded in Savannah with lumber and went out and she struck a heavy northeaster and that gentleman had been a trader and he came down to Charleston Bar, we would give him any information he wanted. We have gone in ahead and let them follow and not charged them a cent.

Mr. BRUCKNER. You do not charge them as a rule?

Capt. IGOE. For this reason: We say: "Boys, that master is up against a hard proposition. He wants to get into harbor. If we charge him a pilotage the owners will get after him, but we will help him and relieve him of that pilotage and assist him and let him go in and anchor." But if the vessel is a deep vessel and he wants a pilot—in other words, does not want a pilot—we put a pilot aboard and take him in and out for one pilotage to relieve that coastwise situation and assist those men, because when they draw drafts that way we do not want to navigate them that way. We put a pilot aboard and relieve that steamer for one pilotage. That has been done for 20 years. Ask any schooner captain and he will tell you the same thing. It shows we are not highbinders, and do not wish to take much advantage of people. We want to help them, but we do not want them to hold back and stop navigation.

The CHAIRMAN. Your theory then is that the maintenance of these local pilot associations is necessary to the commerce of the port? In other words, they must have experienced pilots there at all times to navigate vessels in and out?

Capt. IGOE. Yes, sir.

The CHAIRMAN. And while certain vessels under favorable conditions may not need a pilot, yet they are indirectly beneficiaries of this service?

Capt. IGOE. Yes, sir.

The CHAIRMAN. And hence ought to contribute to the maintenance of the service?

Capt. IGOE. Yes, sir. But we do act in this way, that if the vessel draws a good deal of water we want to give them a pilot; that is when they go in for a harbor. We do not charge anything if they go in for a harbor—say coming from Wilmington, if that ship is going anywhere down below that to come in we do not charge her any pilotage. But if they come into Charleston and load and are carrying out commodities, or bringing in anything for Charleston, that is the part that we expect to pay. That is the idea, because we believe that lumber has as much right to pay its interest in keeping up a service for the benefit of all as cotton, iron, wood, or anything else.

The CHAIRMAN. Let us get along. I think you have made your position plain on that question.

Capt. IGOE. Yes, sir.

Mr. OAST. When they do come into harbor and you do not charge them, as you say, they get in pretty well without pilots, do they not?

Capt. IGOE. Well, it is true, now that the war is on, we do not have much business, but when this war is over they may not get in so well. In the cotton belt at this time we are really doing nothing. Our shipping has gone. We are doing nothing at all. We are compelled by the laws of pilotage to keep that service up at \$1,000 a month. We will not make \$800 a year out of it under the last action of the commissioners of pilotage.

The CHAIRMAN. How many pilots have you at Charleston?

Capt. IGOE. We have 15, sir.

The CHAIRMAN. What is your equipment worth? What was your equipment in the first place?

Capt. IGOE. Our equipment is two boats, and naphtha boats; two large boats and naphtha boats, the expense of which is \$25,000 to \$26,000 a year for upkeep.

The CHAIRMAN. That is your whole equipment?

Capt. IGOE. Yes, sir; at the present time with the depression. And we lost in 1911 one boat which cost \$6,000, a total loss. We can not carry insurance, the rate is too heavy.

The CHAIRMAN. Can you give an estimate of what you do a year? What receipts has the pilot association?

Capt. IGOE. Previous to the war we made about \$1,500 a pilot—a little less than \$1,500 apiece.

The CHAIRMAN. A year?

Capt. IGOE. Yes, sir; a year. That has been looked over by the commissioners of pilotage, the harbor commissioners.

Mr. BRUCKNER. Were they busy at all times, Captain? How is the work, spasmodic?

Capt. IGOE. It is spasmodic. Of course, you understand there might come in 8 or 10 a day and going out 4 or 5 a day, and the next 3 or 4 days down to nothing. You know how it is.

Mr. BRUCKNER. The average, however, is pretty good the year around?

Capt. IGOE. They had done it.

Mr. BRUCKNER. In former times?

Capt. IGOE. Yes, but we have been cut down.

The CHAIRMAN. Since the war began about what has been the earnings?

Capt. IGOE. I tell you the harbor commissioners took it up and found an average of five years, the good time and this time, and it averaged about \$1,500. The chairman of our board figured it at \$1,400 and some odd, but Mr. Rett carried it higher, because Mr. Rett was at that time opposing us; he got out figures given him by the board and he carried it higher figuring it this way, but the experts figured it lower.

The CHAIRMAN. Is the port of Charleston paying you now—are you earning \$1,500 apiece now?

Capt. IGOE. No, sir; we are not after this war began. We did in the last five years, on an average.

The CHAIRMAN. Since the war began what are you earning?

Capt. IGOE. Since the war began it has dropped away down to something like \$1,250, something like that in 1915, but previous to the war it was a little higher.

Mr. BYRNES. Capt. Brown, at the last hearing in response to a question of Mr. Goodwin, said that at Savannah the pilots were making about \$3,500 or \$3,600 a year. If that is true they are better off at Savannah than you are at Charleston, then?

Capt. IGOE. They must be at that rate, because I never made that in my life at Charleston.

Mr. OAST. Do you not know that January, 1915, one of the commissioners, Mr. Henry P. Williams, after whom your pilot boat is named, stated that at that time your incomes figured nearer \$1,800 than \$1,500 per year?

Capt. IGOE. No, sir; \$1,400 and something.

Mr. OAST. \$1,800, I say do you not know that he made that statement?

Capt. IGOE. Mr. Williams did not make that statement.

Mr. OAST. I will tell you for your information that he did.

Capt. IGOE. Mr. Wright did that.

Mr. OAST. Mr. Henry P. Williams.

Capt. IGOE. Not in my presence. He may have taken a particular year away back and done it, but not in 1915.

Mr. OAST. In January, 1915.

Capt. IGOE. Our expenses were \$10,000; our losses were so much, and we figured the depreciation in, and the whole thing came to less than \$1,500 per year a man. Now, when they make a sweeping cut we will only get about \$1,200 and look out for our boats besides, and the fine of \$50 a day to be on that bar looking after those ships. We have not got a cinch. The State law requires us to be on the bar under penalty of a fine of \$50 a day, and all kinds of restrictions, and the only thing is the fact of the pilot being compulsory; the vessel

has to pay us for being there doing all this work for the whole port. The barges, the tugs, the New York steamships, all ships coming in with United States license, we have got to be there and sound that bar and have those buoys moved, or any changes explained to you, not for our benefit but for the benefit of the whole commerce, work that we do not get any pay for.

I will give you a little instance that happened in Port Royal a little while ago. I happened to be towing a vessel down there. There was a tugboat, the pilot boat was offshore with the flag flying off station. The tugboat towed by the pilot boat and went in and the vessel was only drawing 9 feet of water. She went up to the mill. Very few vessels go there. The pilot boat went up and spoke to the captain and said, "Captain, we were out on our station and expect you to pay pilotage." He said, "I will do nothing of the kind. You did not speak me." A pilot boat with its flag flying, that flag is offering service. Now the vessel was ready for sea. He was going to load down to a draft that was close to the bottom, and there is only 18 feet of water on the bar at high water. The captain rang up the pilot and wanted the pilots to give him the draft. They said, "Captain, we have nothing to do with you. You would not pay your inward pilotage, but you want out services. You want to load the ship down like that and then ask us to tell you what to do. Oh, no, that would not do." The captain said, "Well, if the tugboat off Savannah will pay her one-half pilotage I will pay my one-half." That is the fact, gentlemen. They wrote over and got a check from me, then the captain paid his half and the pilots then told him what draft to put his vessel down to as a safe draft to go out over that bar. That is one instance, and this same gentleman that made notes in here the other day said that he went to Charleston some time ago where he was towing a schooner out of Charleston Island and a pilot was aboard the schooner, and the pilot said, "Captain, do not go down there; it is not safe." This Capt. Brown said, "Captain, I will tow you out." The pilot said, "If you are going against my advice I am nothing only a passenger." He took the schooner down and towed her ashore; fortunately he did not lose her; they worked on her awhile and pulled her off the other day.

Mr. BYRNES. How many feet of water do you say there is on Port Royal Bar?

Capt. IGOE. When I used to tow down there, and I do not think if has changed, because I took a full-rigged ship, waterlogged, and she grounded at 22½ feet on Port Royal Bar. The channel has changed there 1 mile. When I first went there we used to get into 18 or 19 feet of water, but the channel has changed 1 mile to the east, and we got to using another channel, we got another farther east, and we went out there and all we could carry out there safely by waiting on a good opportunity was 18 feet.

Mr. BYRNES. Capt. Brown told me last week there was 28 or 30 feet of water at Beaufort.

Capt. IGOE. Beaufort, you see, is 17 or 18 miles up the river from this bar.

Mr. BYRNES. He said he went in there with a five-masted schooner about five months ago drawing 25 or 26 feet.

Capt. IGOE. As far as I can remember that is all you could get out of Port Royal bar at highest tide.

Mr. BYRNES. The reason I asked you that, they moved that navy yard from there to Charleston on the ground they did not have the water, and he enlightened me last week and told me they did, and I told him I was——

Capt. IGOE (interposing). I have not been at Port Royal lately. I do not know if it has deepened out. If so it is against history.

Mr. BYRNES. The Government has not spent a cent. They are not deepening there.

Capt. IGOE. No, sir; no money has been spent on that bar, and as I say, the Chisholm Island bar has moved 1 mile, and I was towing there at that time.

There is a book I must here present, by Mr. Durant, compiled by Capt. Adams. Capt. Adams at that time was the engineer and his office was in the customhouse. Mr. Durant at that time was the collector of the port, and the two gentlemen became very intimate, and Mr. Durant gave him this information, being opposed to pilots at that time. The gentleman who was postmaster there told some of the pilots about it, said, "You go and see that gentleman." They went up and saw him, and he gave them a nice audience of about one-half hour, and they explained everything to him—Mr. McDonald or Capt. Swan. He said, "I am very sorry I published my book." He said, "I know more about it now than I did then." Capt. Adams was United States engineer. He is not dead yet, I believe, but I think has retired. So that is the history of that book. You can see from the records where Mr. Durant has put it there.

In Germany the pilotage laws are very complicated, and in a majority of the maritime States each one has its own regulations and laws. That is in Germany and Prussia the same, and in France also, and in England the same way.

I will read you this statement I have here. It will not take me long, and then I will finish, unless some gentleman wishes to ask me questions.

The CHAIRMAN. What is it you propose to read now?

Capt. IGOE. Our statement; the statement of the pilots [reading]:

HON. RICHARD S. WHALEY,

Congressman for South Carolina, Washington, D. C.

SIR: We are opposed to the bill now pending before Congress and referred to the Committee on Merchant Marine and Fisheries, which, by its terms, exempts from compulsory pilotage barges while in tow of steam vessels navigated by United States pilots.

This is an attempt to take from our State legislatures the right to regulate pilotage. This State right has been recognized and exercised from the earliest period of our national life. Mr. Justice Curtis, of our Federal Supreme Court, long ago said that pilotage regulation was a matter for local State legislation and not national. He says in effect that the State legislatures can better control this matter for the reason that they know best the requirements and peculiarities of ports within their jurisdictions.

We see no reason why these barges should be relieved by a Federal law from the duty imposed by the law of the State of South Carolina, to pay their pro rata share in maintaining our local pilots. In this connection we ask your attention to some of the differences between the so-called "United States pilots" and the "local pilots."

The local pilot is a State pilot; that is to say, he is a person who, under the laws of a State, must serve (for instance, under the laws of South Carolina, for a period of seven years) upon local waters limited to the port and harbor of Charleston before he can obtain what is known as a license for a branch pilot. These branch pilots under our State laws consist of 15 men who have served their time under the law to become prepared as stated, and have given their lives to the service. Their maintenance and support is dependent solely upon such income as is derived from the payment of the regular pilotage rates fixed by law.

The United States pilot, on the other hand, is a man licensed by the United States steamboat inspectors under a Federal law. His income is a monthly salary paid by such vessels as employ him. These pilots are not charged with the specific duty of thorough acquaintance with any one bar or harbor, but their license covers numerous bars and harbors. This class of pilot does not constitute a number of men held down to service locally at any single port, and who can not serve beyond that port, and who are dependent upon the incoming and outgoing shipping for their living, but, on the contrary, they have steady positions as salaried employees. The general rule is that these United States pilots are captains of coastwise vessels, and have not alone the duties known as the duties of a pilot to perform. They have all the duties and responsibilities of masters of ships. The very nature of their calling, therefore, makes it impossible for them to become as thoroughly familiar with the harbors, channels, and peculiarities of individual ports as the State pilots. It is for these reasons, among others, that the exigencies of commerce have always recognized and required the maintenance and support of a body of men at the local port who themselves are ready and able at all times to assist not only incoming and outgoing foreign vessels, but whose assistance is frequently necessary to aid these same United States pilots in entering and going out of local harbors. The difference between these two classes of pilots in their service is singularly emphasized by the fact that the United States Government, in its naval regulations, has specifically provided that if the ships of the Government require the services of a pilot the pilot employed must be a local pilot, that is to say, a State pilot, and the local rates in force for the sustenance of the local pilots must be paid for the service.

So it is quite apparent, even from the incomplete statement, that anyone familiar with the needs of navigation into or out of local ports of any State could not contend that it is not necessary to have a local pilot service. The Supreme Court of the United States, speaking of local pilots, has said:

"* * * A pilot, so far as respects the navigation of the vessel in that part of the voyage which is his pilotage ground, is the temporary master charged with the safety of the vessel and cargo, and of the lives of those on board, and intrusted with the command of the crew. He is not only one of the persons engaged in navigation, but he occupies a most important and responsible place among those thus engaged."

And again, that great court, regarding local pilots, writes:

"A pilot is as much a part of the commercial marine as the hull of the ship and the helm by which it is guided. * * * Pilots are a meritorious class, and the service in which they are engaged is one of great importance to the public. It is frequently full of hardship, and sometimes of peril; night and day, in winter and summer, in tempest and calm, they must be present at their proper places and ready to perform the duties of their vocation. They are thus shut out for the time being from more lucrative pursuits and confined to a single field of employment."

This compulsory pilotage to which reference is made is in theory this: That since the efficient pilot is so essential to the commercial world, all ships using a port maintaining a local pilot service must contribute to the support of that pilot service, because of the great benefit resulting to merchant ships from the exercise of their calling; and that contribution must be made irrespective of whether a particular ship needs or does not need the service of a local pilot. Such laws are not new in the history of commerce. Compulsory pilotage laws have been in force in all maritime countries since remote times, and heavy penalties are by law now fixed for the failure to take a pilot. These compulsory laws rest upon the propriety of securing life and property exposed to the perils of a dangerous navigation by taking on board a person peculiarly skilled to encounter or avoid them; upon the policy of discouraging the commanders of vessels from refusing to receive such persons on board at the proper times and places; and upon the expediency and even intrinsic justice of not suffering those who have incurred labor and expense and danger to place themselves in a position to render important service generally necessary to go unrewarded because the master of a particular vessel either rashly refused their proffered assistance or, contrary to the general experience, does not need it.

Our Federal Supreme Court, upholding such laws, says:

"The object of the regulations * * * was to create a body of hardy and skillful seamen, thoroughly acquainted with the harbor, to pilot vessels seeking to enter or depart from the port, and thus give security to life and property exposed to the dangers of a difficult navigation. This object would be in a great degree defeated if the selection of a pilot were left to the option of the master of the vessel or if the exertions of a pilot to reach the vessel in order to tender his services were without remuneration. The experience of all commercial States has shown the necessity, in order to create and maintain an efficient class of pilots, of providing compensation, not only when the

services tendered are accepted by the master of the vessel, but also when they are declined."

And our own Federal Judge Simonton, in the South Carolina circuit, quoting from court decisions, writes:

"As a general rule masters of vessels are not expected to be, and can not be, acquainted with the rocks and shoals on every coast nor able to conduct a vessel safely into every port. Nor can the absent owners, or their agent, the master, be supposed capable of judging of the capacity of persons offering to serve as pilots. They need a servant, but are not in a situation to test or judge of his qualifications, and have not, therefore, the information necessary to choice. The pilot laws kindly interfere and do that for the owners which they could not do for themselves. It selects persons of skill and experience and requires them to give bonds for the faithful performance of their duties; and if it should happen in some particular cases that owners may not need the services of such pilot selected by law, it is but just that they should contribute to the support of a system instituted for their benefit."

And then, in the decision quoted from, emphatically lays down the rule that a barge in tow of a tug having on board a United States pilot, though there is no need for a pilot aboard of the barge, such barge falls within the provisions of the law and must take a local pilot, or, at least, pay for the service. In other words, in effect, says Judge Simonton, these barges must contribute to the maintenance of the service.

Our pilots in South Carolina have given their lives to this service and they ought to be properly supported by the merchant shipping of this port. If any changes in the law in reference to the matter should be made, we believe that these laws ought to be made by our own State legislature, where the power now lies, and that our Representatives in Congress should work against the proposed Federal law which would destroy the power of our State to act. Our local knowledge should determine the requirements of this port, and our State laws should express that knowledge by providing rules for the regulation of the service.

Mr. BURKE. Why is it you found it necessary in the States on the south coast and the Gulf of Mexico to maintain this State system when it is not found necessary to maintain it in other States—this system of pilotage?

Capt. IGOE. Well, one reason is this, that in some places—take for instance, Cape Henry; Cape Henry is 5 miles wide, and you do not strike that dangerous portion before you get up in smooth water. It is all smooth, and if a vessel were to go ashore in the mud where it was smooth water, they could pull off. In Delaware it is wide, and they go into the ocean deep and their troubles are in smooth water. New York is pretty much the same way—a couple of channels deep and wide. Down East there is deep water and there are a couple of channels; but where we on the south coast have to dredge out in the Atlantic Ocean, we run into these bad spots. They project out into the Atlantic Ocean. That is one reason; and the next reason is that the localities of different points must keep up an efficient service for the benefit of the people doing business out of that port, and if they cut it down we will have to use canoes to go out. Small naphtha boats can only get there in good weather when the ships are out there waiting for a pilot. They will not be able to go to sea unless they carry a pilot out of Liverpool, because we take them out all kinds of weather, good and bad.

Mr. HARDY. In your judgment is it or not practically as necessary that a steam vessel should have a local pilot as that a sailing vessel should? In other words, ought the steam vessels, in your judgment, be exempted from having a local pilot where these local conditions exist which are known only to the local pilots?

Capt. IGOE. I will give you an instance. Here some time ago a vessel was there with a pilot aboard. It was a little thick in the morning—they could not see the ranges; could not see any lights—

and later it kind of lit up a little. And a big steam yacht was off there, and this ship started in and the steam yacht kept just about a quarter of a mile astern and followed after her the whole way in.

Mr. HARDY. Followed what?

Capt. IGOE. This foreign ship with a pilot aboard. Now, that yacht we got nothing for, but our people must keep up the service for the benefit of the port.

Mr. HARDY. Captain, I want to clear up one point that is in my mind, and I present it to you. These schooners and sailing vessels are on their last legs, perhaps everybody admits; it is hard for them to compete upon equal terms with the steam vessels. That is true, is it not?

Capt. IGOE. Yes, sir.

Mr. HARDY. The sailing vessel finds it hard to compete with the steam vessel, anyhow. They are generally owned by small people, the schooner and small vessel, are they not?

Capt. IGOE. No, sir; Mr. Pendleton some time ago owned 90, and a number of those companies in the North own 10, 20, 30, and 40 vessels.

Mr. HARDY. A great many of those vessels are old; they are going to their graves?

Capt. IGOE. Yes, sir; of course, that may be. They are, however, building five new ones now.

Mr. HARDY. It is hard for them to compete with the steam vessel on equal terms, is it not?

Capt. IGOE. They are not quite expected to do that, because there is a certain amount of freight that will go as through freight on steamers, and, as I understand it, they pay a little more for those small lots going on the steamers; but the schooner is this way, it can carry, say, 600,000 or 700,000 pounds of freight lumber to New York and distribute that commerce, and they can tow that around from one place to another to discharge that cargo; but the steamship is not able to carry big lots of lumber; that is, big orders. They carry small orders, because there is so much other stuff for them to get.

Mr. HARDY. If you let your steamship in free of pilotage charge and you let your tugboat carry barges in free of pilotage charge you just simply cut away the dirt from under the schooners and other vessels that must pay these charges and bear the whole burden, do you not?

Capt. IGOE. My answer to that is this, all these cuts and these things I know are not right, but when they pass laws——

Mr. HARDY (interposing). Is it any more right to put that steam vessel in there without pilotage than any other vessel?

Capt. IGOE. That steam vessel should pay a certain portion to that system to keep it up, because we are keeping them up; because I meet them sometimes and give them information. We talk with them sometimes and give them information as to where the water is, and certain things. Just as soon as this channel commences to fill up they will want this information.

Mr. HARDY. Is it right to put the whole burden of sustaining that system upon the schooner and the barge and leave the steam vessel free of it?

Capt. IGOE. No; it is not well to put the burden on any one, they all should pay. But, as I say, we are in such a position, we are simply

like a drowning man grabbing at a straw and all we can hold on to is what we call a maintenance, a bare existence.

Mr. HARDY. Is not the schooner in the same fix?

Capt. IGOE. I do not altogether agree with you in that respect. I tell you, I think the schooner will come back, because I do not think the barges are going to keep this up from the fact of the hazards that attend the use of barges at sea. Mr. Doherty lost two big sea barges off Cape Lookout, and drowned the crew of one barge towing in tow of a tug.

Mr. HARDY. How long ago was that?

Capt. IGOE. About two years ago, right off Cape Lookout where these vessels come out of Beaufort he lost two barges, and the crew of one was drowned. The tug got in and a steamship took the crew off the other barge. They are being lost every day. They saddle up so many barges to a tug that it becomes dangerous and is dangerous to life. Just think of men being allowed to go to sea in a barge that high [indicating] out of the water and when a gale of wind comes on the tug will let go and look out for herself. There ought to be a law to stop it.

Mr. HARDY. Are they towing those vessels in the northern ports?

Capt. IGOE. What is it?

Mr. HARDY. Do they do the same kind of towing in the northern ports?

Capt. IGOE. I do not know, because it is a little different in the northern ports to the southern ports. Between Cape Henry and Philadelphia there is a little harbor, and between those two points is only 100 miles. Between Philadelphia and New York is only 100 miles. Then between the other places they can make harbors within 100 miles; but when you are on this southern coast where the capes project out, there are long shoals, and once on those shoals then you are done. And a sailing vessel will live when these others will die, the whole bunch. She will come out of it.

Mr. SAUNDERS. You say your pilot is shut out from more lucrative employment? What is the compensation of pilots?

Capt. IGOE. It is watched closely by the board of harbor commissioners, and the compensation is the pilotage less their expenses. It is watched closely, and the harbor board always has access to those books.

Mr. SAUNDERS. But that does not answer the question. I want to know how much they get, how much the system is yielding with respect to the men connected with and concerned with the system. What do the pilots get?

Capt. IGOE. I will just explain. The pilots got less than \$1,500 last year. This will bring it to \$1,100 or \$1,200, maybe \$900, something like that.

Mr. SAUNDERS. Is that for one harbor, or is that the average there?

Capt. IGOE. That is for one port. That is just this particular port.

Mr. SAUNDERS. Well, is that all they get? Is there no provision for them when they retire?

Capt. IGOE. Yes; we do that ourselves. When a man has spent his life in this service we retire him.

Mr. SAUNDERS. Pilots?

Capt. IGOE. I mean pilots; yes, sir.

Mr. SAUNDERS. That comes out of the pilot fees, out of the pilotage system, doesn't it?

Capt. IGOE. Yes; it comes out of our pockets.

Mr. SAUNDERS. What does that amount to?

Capt. IGOE. We retire a man at \$50 a month.

Mr. SAUNDERS. When does that take place; when does he retire? Is there any particular age at which he retires?

Capt. IGOE. No; no particular age. He must be incapacitated for duty, and must be examined by the commission. The last man we retired was getting onto the pilot boat when he fell down and hurt his shoulder and injured his eye, and had to have it taken out. He had a glass eye put in. He tried to struggle along and was operating another ship one day, and in getting on the ladder fell overboard, his overcoat went over his head; the boatswain jumped down there and got him into the boat, and sent another man, and the other man got wet up to here [indicating his waist]. But he was fortunate enough to get the boat in. That man has almost lost his sight now—

Mr. SAUNDERS (interposing). What I want to get at is that every pilot, when he becomes incapacitated as a result of his work, is retired on his pension?

Capt. IGOE. Yes, sir.

Mr. SAUNDERS. And that is a part of the system; it is paid out of the pilotage fees?

Capt. IGOE. Yes; that is all we get.

Mr. SAUNDERS. Is there anybody else that the organization maintains?

Capt. IGOE. How do you mean, in what way?

Mr. SAUNDERS. The officers in connection with the organization.

Capt. IGOE. I am the manager of it and I do not get any more compensation than any of the rest.

Mr. SAUNDERS. What does that mean?

Capt. IGOE. That means the same salary that we are talking about.

Mr. SAUNDERS. \$1,500?

Capt. IGOE. Yes; that is what we did get.

Mr. SAUNDERS. How many officials in connection with the organization?

Capt. IGOE. There are only two, the manager and the secretary.

Mr. SAUNDERS. Who is the manager?

Capt. IGOE. I am the manager.

Mr. SAUNDERS. You mean you are manager of the local organization?

Capt. IGOE. Yes, sir.

Mr. SAUNDERS. Isn't the whole system confederated? Haven't you a constitution and by-laws?

Capt. IGOE. We have a national association.

Mr. SAUNDERS. That includes all your own officials and those officials are maintained out of the pilotage fees?

Capt. IGOE. Yes, sir.

Mr. BYRNES. Do I understand from your answer to Mr. Saunders that the fees are given to the association and then you divide them among the pilots—you pay to the national association, and you pay this pension, take it out of your pockets, and after that it is divided?

Capt. IGOE. To retired men.

Mr. BYRNES. What Mr. Saunders asked is, when you collect these funds from the boats and get them into your local organization, do you first take out funds for retiring men and paying national association business, or do you divide your earnings and then each man contribute to the fund to retire?

Capt. IGOE. We divide our earnings and take out, in our division, for these retired men, and for each man connected with the association, whether it is \$5, \$10, or \$15 apiece, contributing a small fee to the national association.

Mr. SAUNDERS. Now you are speaking of the harbor at Charleston. Does the amount that the pilots get up and down the coast vary according to the ports, or have you fixed a uniform salary and compensation that they get at all the ports down to Norfolk? I am speaking of pilots. When you pay \$1,500, is that the local port of Charleston?

Capt. IGOE. Yes; I don't know anything about other ports.

Mr. SAUNDERS. You don't know anything about it?

Capt. IGOE. I don't know anything about it.

Mr. SAUNDERS. There is no uniform compensation for the pilots along the coast?

Capt. IGOE. No, sir.

Mr. SAUNDERS. That depends on how much comes in at any port?

Capt. IGOE. That depends on how much comes in at any port.

Mr. SAUNDERS. Other ports may get a good deal more than that?

Capt. IGOE. Maybe.

Mr. SAUNDERS. Or less.

Capt. IGOE. Or less. It varies according to the shipping.

Mr. SAUNDERS. Then you don't know what those figures are for those other ports?

Capt. IGOE. No, sir.

Mr. SAUNDERS. How many pilots have you at Charleston?

Capt. IGOE. Fifteen.

The CHAIRMAN. We have been all over that.

Mr. SAUNDERS. You mean that questions have been directed all along this line?

The CHAIRMAN. Except as to the pensions. Nothing has been brought out about that or the national association, what they have to do. I will be glad to draw that out.

Mr. SAUNDERS. I don't want to cover any ground that has been developed. These are very important facts when you come to determine this matter.

The CHAIRMAN. Is there anything else that you wish to inquire about?

Mr. SAUNDERS. No.

Capt. MICHEL. May I ask some questions?

Has there been a reduction on the pilot rates on the barges recently?

Capt. IGOE. Yes, sir, at Charleston; yes, sir.

Capt. MICHEL. Do you know what they are?

Capt. IGOE. Yes, sir.

Capt. MICHEL. What are they, on barges?

Capt. IGOE. Loaded barges, \$5 in. Loaded out \$5. When they are coming in a pilot will give the services of a pilot to everything under 6 feet free, schooners and barges, and in barges on a 25-cent license basis as a maintenance. 25 cents a ton for one year.

Capt. MICHEL. Does it say vessels "drawing 6 feet or under" or does it say "empty barges"?

Capt. IGOE. "Barges when empty." Barges or empty vessels are free.

Capt. MICHEL. But what I have seen provides "when empty."

Capt. IGOE. Well, that was only an error.

Capt. MICHEL. Would you be willing to have the commission strike out that word "empty" so that a vessel discharging part of her cargo and going to another port, and drawing 6 feet, would be required to take a pilot?

Capt. IGOE. Oh, well, that is the understanding of the commissioner. Now the only thing is that they had "barges" on the front instead of "all vessels."

Capt. MICHEL. Then you are willing to strike out that word "empty" so that there would be no confusion hereafter between the pilots of the barge people?

Capt. IGOE. Empty, all schooners, barges, vessels, anything.

Mr. BRUCKNER. What do you mean by 25 cents a year?

Capt. IGOE. That is a vessel coming in paying a pilotage of 25 cents per ton in registry. In other words, that is to help maintain the service.

Capt. MICHEL. In regard to sailing vessels, the advantage of steam over that of sailing vessels and the reasons for exempting these steamers from compulsory coastwise pilotage was because they were equipped with some self-propulsion—self-propelling steamers which were at one time side-wheel steamers. Now those vessels whether it is calm or not can handle the vessel?

Capt. IGOE. Yes, sir.

Capt. MICHEL. If the vessel went into a bank and you wanted to work her stern end from right to left you could do so without having any headway?

Capt. IGOE. With the friction of the propeller.

Capt. MICHEL. Yes. Well, now, if a steamer of that kind was going through the channel, and she took a shear, and they found it necessary to stop her headway, it would be possible to do that?

Capt. IGOE. Oh, yes.

Capt. MICHEL. Stop and back her?

Capt. IGOE. Yes, sir.

Capt. MICHEL. Now, could that be done with a sailing vessel?

Capt. IGOE. Not very well. No way to do it.

Capt. MICHEL. Now, with a sailing vessel going in the same direction and having sails set and she sheared toward the vessel, could she in a few moments lower her sails down, let go her anchors, and get out of the way of that other vessel?

Capt. IGOE. No, sir; it takes time to take in canvas. The crews are small. For a vessel carrying 800 or 900 tons they have about four men, the master, mate, and second mate, and a cook and a captain.

Capt. MICHEL. They can't stop and back.

Capt. IGOE. No, sir; they can't, and she would take some time to take in the canvas.

Capt. MICHEL. And that might have been the reason for exempting steam vessels?

Capt. IGOE. Yes, sir; it might have been.

Capt. MICHEL. Now, these steam vessels are equipped with some steering gear?

Capt. IGOE. Nowadays; yes, sir.

Capt. MICHEL. So that with one finger you can change the helm from port to starboard within a few seconds?

Capt. IGOE. Yes, sir.

Capt. MICHEL. You could not do that with a vessel having some headway, by hand, could you?

Capt. IGOE. No, sir.

Capt. MICHEL. Sailing vessels have no steam steering gear?

Capt. IGOE. No, sir.

Capt. MICHEL. Now, a steamer can handle her anchors by steam, can she?

Capt. IGOE. Yes sir.

Capt. MICHEL. So that if it was necessary in order to avoid a collision they could drop their anchor at a second's notice?

Capt. IGOE. Yes, sir.

Capt. MICHEL. And if it was necessary to weigh anchor, could they do so by steam?

Capt. IGOE. Yes, sir.

Capt. MICHEL. A sailing vessel couldn't do that with steam, could she?

Capt. IGOE. No, sir. It would take some time by hand.

Mr. SAUNDERS. Is the purpose of these questions to show that it requires more skill to handle sailing vessels than steam?

Capt. MICHEL. The purpose of that was to demonstrate that it was more proper to exempt a steamer than it was a sailing vessel?

Mr. SAUNDERS. On the ground that you would require more skillful pilotage handling sailing vessels than steamers on account of the difference in equipment?

Capt. MICHEL. Yes, sir; and the necessity for a pilot on a sailing vessel, so that she would have taken every precaution to prevent her being in a position to take these shears that I have spoken of.

Mr. SAUNDERS. Don't that come back to the question that I asked? It means that it requires more skillful pilotage on board of a sailing vessel than on a steam vessel to go into the harbors?

Capt. MICHEL. Yes, sir.

Mr. SAUNDERS. That is what I wanted to know.

Mr. EDWARD PLUMMER. Is it not true that schooners are also equipped with power to handle their anchors?

Capt. IGOE. Yes, sir. As a general thing they do.

Mr. PLUMMER. Do you know any in fact that do not?

Capt. IGOE. There are very few schooners that come into our ports, because they have no way of getting upstream without paying a large towage. It is dangerous to vessels that enter the pass. All of the wooden vessels that have grounded at the mouth of the pass have been lost.

Mr. PLUMMER. The point I wanted to make was that schooners all have power. Don't at least 95 per cent of them have power for their anchors?

Capt. IGOE. No; I don't think that percentage, not that come to our ports.

Capt. MICHEL. I have known of quite a number of vessels that can hoist their anchors and weigh their anchors with steam. The vessels are provided with steam. Those large schooners there hoist their sails up by steam. The purpose of that was to reduce the number of men on the schooner, but that could have no effect on the rudder nor on the helm of such schooners.

Mr. PLUMMER. I was not touching on that.

The CHAIRMAN. Capt. Igoe, these gentlemen want to ask you some questions.

Mr. OAST. I think I could be more brief if you would allow me to make a short statement, without interrogating.

The CHAIRMAN. Very well.

Mr. OAST. Mr. Chairman, the resolution offered by Capt. Igoe, of the Charlestown Chamber of Commerce was adopted, I believe, on February 4.

Capt. IGOE. I think it was about that date.

Mr. OAST. At that time, that was about a week after the previous meeting of the board of directors of the Chamber of Commerce of Charleston. On January 27, I think it was, I explained this matter to the board of directors of the Chamber of Commerce at Charleston. Capt. Igoe was at the hearing. One of his colleagues, Mr. Swan, another pilot, was there; Mr. Henry C. Williams, one of the commissioners, was there; and this whole matter of pilotage was explained to the board of directors. There were 17 out of the 25 directors, and the board of directors of the Charleston Chamber of Commerce on that evening adopted a resolution without a dissenting voice indorsing this bill, and it was then understood that a delegation would come to this city to advise this committee of their action.

Subsequently our friends, the pilots, took this matter up, and I must say quite inconsistently; with their position that they can not exist if they do not get this pilotage on these barges, they contended; under a pressure, under a demand of the citizens and merchants and business people of Charleston, that these rates be now in force; and I have now here, Mr. Chairman, a clipping from the Charleston News and Courier of February 5, 1916, covering those rates, which I would like to have put in the record.

(The statement follows:)

NEW RATES ON BARGES.

The following statement of the new rates on barges was given out yesterday:

1. All empty barges in tow, drawing 6 feet and under, shall be exempted from any pilotage.
2. All barges in tow loaded to a draft of not over 10 feet shall pay a pilotage of \$5 coming in and (or) \$5 going out.
3. Any coastwise vessel subject to pilotage may upon application obtain a license for one year upon the payment of one inward passage fee plus 25 cents for each net registered ton of the vessel.
4. The pilotage rates as amended shall apply on one continuous passage from the entrance of the port to any wharf in the city or on the Ashley or Cooper River, and on a continuous passage from any of said wharves outward to the sea.

The pilots had conceded that barges could go in, and instead of paying a pilotage inward of \$21 and a pilotage outward of \$21, for each barge loaded to 9 feet, should now be allowed to go in without paying anything on empty barges and a \$5 towing fee either way for barges drawing 10 feet and under. So I say, Mr. Chairman, that this

argument these barges must pay this pilotage or otherwise the port of Charleston will be deprived of the usefulness of the pilots' association, is not borne out by the facts.

Now, my friend, Capt. Igoe, has stated that the representation by licensed men on equipment of vessels, etc., is required by the Government regulations to be competent. That is a wise provision, no doubt, but he reasons from that that officers who are licensed pilots by the Steamboat-Inspection Service would not state that they needed a State pilot. Now, those men are examined on their familiarity with the waters in which they are certificated as duly qualified to pilot vessels of different tonnage, the inspectors think proper, and I here want to call the attention of the committee to section 4415 of the Revised Statutes, on page 13 of the Gray Book, issued by the Steamboat-Inspection Service. That section reads as follows:

SEC. 4415. * * * Such board, or the major part thereof, shall select a person of good character and suitable qualifications and attainments to perform the services required of inspectors of hulls, and who, from his practical knowledge of shipbuilding and navigation and the uses of steam in navigation, is fully competent to make a reliable estimate of the strength, seaworthiness, and other qualities of the hulls of steam vessels and their equipment, deemed essential to safety of life in their navigation; and when designating an inspector of boilers, shall select a person of good character and suitable qualifications and attainments to perform the services required of inspectors of boilers, who, from his knowledge and experience of the duties of engineer employed in navigating vessels by steam, and also of the construction and use of boilers and machinery, and appurtenances therewith connected, is able to form a reliable opinion of the strength, form, workmanship, and suitability of boilers and machinery to be employed without hazard to life, from imperfection in the material, workmanship, or arrangement of any part of such apparatus for steaming. No appointment of an inspector of hulls or an inspector of boilers shall be made without the concurrence of the supervising inspector. The inspector of hulls and the inspector of boilers thus designated, when approved by the Secretary of the Treasury, shall, from the date of designation, constitute a board of local inspectors.

Mr. OAST. Now, I want to say—

The CHAIRMAN (interposing). I would suggest that if you have any questions to ask this gentleman, let us have them.

Mr. OAST. I am not going to ask him any questions.

The CHAIRMAN. This is not the time for the argument.

Mr. OAST. He made some statements. I have no questions to ask.

The CHAIRMAN. I understand that you people—addressing Capt. Michel—wanted to have your say, and I think we are going to give you the last say.

Mr. SAUNDERS. I want to ask one question along the line of safety which we are all interested in, Captain, and in connection with which you suggest that the requirements of safety make it proper that with respect to each port all sorts of vessels ought to be piloted in by the local pilots. Can you tell me, take for instance the vessels in the United States Navy, the men-of-war and other fighting craft—are they piloted in by pilots holding Government licenses? Before they enter these ports along the Atlantic coast do they all get local pilots?

Capt. IGOE. Yes, sir; local pilots.

Mr. SAUNDERS. No United States training ship ever undertakes to go in without pilots?

Capt. IGOE. No, sir; not out of Charleston. They wire from Washington when such a ship is coming, but we always have our boats there, and if they are in the ocean coming into Charleston, they wire us and tell us—the pilot—to look out for them.

We tell them, "All right; the pilot will be there," and they take them directly to the navy yard. Of course, they have the privilege of taking their own ships.

Mr. SAUNDERS. That is what I was developing, whether the Government exercises the right of bringing them under their own pilots.

Capt. IGOE. They use our pilots, local pilots; yes, sir, always; and keep in touch with us.

Capt. MICHEL. Here is an argument against this bill submitted by a New Orleans bar pilot. I would request that this be embodied in the hearing without reading.

The CHAIRMAN. If there is no objection, it will be so embodied. (The statement follows:)

ARGUMENT AGAINST THE BILL TO EXEMPT BARGES IN TOW IN THE COASTWISE TRADE FROM COMPULSORY PILOTAGE.

[By Capt. C. E. Torjusen, pilot.]

It is a well-known fact that the Mississippi is a river of sediment or silt and that the silt or sediment is the cause of the shoaling of the bar at different stages of the river.

On pages 53 and 54 of report of survey of Southwest Pass, 1899, it reads—

"The theories propounded for the explanation of the growth of the bar at the mouth of a pass, as Southwest Pass, for example, are clearly stated in Humphreys and Abbot's *Physics and Hydraulics of the Mississippi River*. Briefly stated, the bar-building material consists of two varieties of earthy matter, that which is in suspension, and that which is pushed along the bottom. When this material reaches the sea end, it is deposited, owing to the loss of current in the stream which transports it. The volume of water issues in a fan shape from the channel formed by the banks. Its energy is dissipated upon coming in contact with the salt water, which opposes its exist, and the material which is carried along the bottom is soon brought to rest, while the lighter portion, held in suspension, is widely disseminated (owing to the fresh water gliding on the salt) and is deposited at much greater distances from the mouth. The material held in suspension forms, therefore, the foundation upon which the weightier particles are eventually placed.

"The loss of energy, due to the resistance of the denser salt water and the lateral expansion of the stream, causes the shoaling of the water, and the depth of water maintained upon the bar is the result of an equilibrium between the eroding and depositing forces of the current. The form of the bar is greatly influenced by several forces, such as winds, waves, and countercurrents. If a current flows from left to right across the mouth of the pass, looking seaward, the material will be deposited in a greater quantity on the right hand side of the pass, and vice versa. If the winds influence the countercurrents, then the direction of the prevailing winds will determine upon which hand the greatest deposits will occur. The waves have a tendency to flatten the bar and fill up all channels across it. The seaward slope of the bar is greatly influenced by the combined action of the currents and waves, being steeper on the side from which the currents come. If the effects of the countercurrents are not continuous, the result is that the channel across the bar is more or less deflected by the deposits on the side opposite that from which the currents arrive, and is more or less inclined toward the side from which the countercurrents proceed, or against the countercurrent. The advance of the bar will not be symmetrical with the axis of the pass. If, however, the countercurrents are feeble, the advance of the bar will be more or less symmetrical with respect to this axis.

"If the spreading of the water can be prevented until the crest of the bar is reached, the current will be sufficiently strong, generally speaking, to project the material conveyed by it to some considerable distance beyond the point of issue; the deposit necessarily takes place in deep water, and a considerable time must elapse before the normal conditions are restored. The natural rate of progress of the bar does not give a proper conception of the time which will be required to bring about a restoration of normal conditions after the confining of the issuing water has been effected. In the first place, the point at which the normal crest of the bar must form will be in very deep water, and all the areas in advance and latterly must be filled up before this bar will be able to maintain itself. Secondly, this bar will build up faster, for the reason that the heavy matter is deposited over a shorter arc.

"If a countercurrent sweeps across the axis of issue, much of the bar-building material will be depleted to one side and the advance of the bar will be retarded, but the direction of the entrance will be changed, since the channel through the new bar will incline toward the point of direction whence the countercurrent arrives, in which case the subsequent prolongation of confining works or 'jetties,' as they are called, would be at an angle to the original line, and give rise to irregularities of channel between them."

On page 34, it reads:

"As the percentage of sediment is proportional to the volume, it is evident that the larger the volume the larger the amount of bar material, and consequently a more rapid advancement of the crest may be expected."

On page 36, it reads:

"In this connection it should be remembered that the stage of river, the direction of the wind, and the tides have great influence on the velocity of the passes. An upstream wind in Southwest Pass will diminish the velocity and discharge in that pass and increase them in the other passes. Corresponding changes will follow other variations of the wind."

On pages 68 and 69, it reads:

"In relation to this, I wish to read to you the actual experience we had last summer:

"The vessel I refer to is the steamer *Jamaican*—a small vessel, not as large as some vessels trading here. This was the experience of the steamer *Jamaican*, one of the regular line traders out of this port, as detailed to the agent of the line by the captain himself:

"Steamship *Jamaican*, one of the regular line traders out of the port of New Orleans, left the city on the 7th of May, 1898, with a cargo of grain and cotton and a number of first-class passengers, for the port of Liverpool. She was drawing 23 feet 2 inches forward, 24 feet 10 inches aft. When she reached the head of the South Pass she found that the channel had silted a few days previously, and the pilots advised that it was impossible for the vessel to get out. She accordingly anchored at the head of the pass until the morning of May 10, three days later, and the captain's report to his agent is as follows:

"SIR: After sounding the channel this morning I attempted getting out to sea with the assistance of the tugboat *W. G. Wilnot*, but stuck fast on the first bank, parted my new 9-inch hawser, swung around and knocked down part of the channel wing dam, bending in one of my plates and nearly capsizing the ship, flooded my saloon and passengers' baggage, and doubtless did considerable other damage below, of which I at present do not know. I sent my passengers for safety up to our steamship *Mexican*, which vessel was still lying at the head of the pass awaiting water, my ship lying at an angle of 28°. The firemen, refusing to stay below, had to draw the fires on one boiler to prevent explosion. At 10 p. m. vessel swung astern downstream and came upright a little. Quite a relief. At 2 a. m., canted to eastward; 6 a. m., bad as ever. Another tugboat wanted immediately."

"This vessel lay in an exceedingly dangerous condition from May 10 until May 15, the agent having to send down four tugboats and a large force of laborers and lighters to lighten the ship before she finally floated, and on the 15th instant was brought once more to the head of the pass. She ultimately got to sea safely on May 19 at 8 a. m., having occupied from May 7 to May 19 to make the trip of 110 miles from the city of New Orleans to deep water in the Gulf of Mexico, and having in the meantime incurred an expense to underwriters and owners of some \$7,000.

"At the same period a number of vessels drawing more or less water than the *Jamaican* lost a great deal of time and got ashore in the pass, while small vessels of light draft found the channel blocked by these vessels ashore and ran great risk of collision in passing in and out. The experience of the *Jamaican* is by no means unusual, and the trade of the city of New Orleans has been and is in imminent peril at all times from such unseen but probable accidents in the long, narrow pass, which is at present the only navigable exit between the great Mississippi and the Gulf of Mexico.

"The *Jamaican* drew only 24 feet 10 inches and is, comparatively speaking, quite a small vessel for the trade to the United States ports, the owners of this vessel having in their own line vessels twice her size and capacity, and there are other vessels trading to the States with nearly three times her capacity.

"If, therefore, the channel between the Mississippi and the Gulf of Mexico can not be relied upon for the safe navigation of small vessels and light draft, it is very easy to understand that the trade which naturally finds its exit from the Mississippi Valley and the West and Southwest grain districts is most seriously handicapped, doubtless at the expense of the producers.

"Beyond that comes the question of what would occur if the *Jamaican* had capsized or had turned bottom side up right in the pass. There is but little doubt that it would have meant the destruction of the pass and of all the commerce which passes through it. We never know when that will actually take place. As, unfortunately, New Orleans is more of a port than anything else, it is not difficult to see what such a result would mean to the masses of the laboring men in this city. Their living is entirely dependent upon the work obtained from this export traffic, and hundreds would suffer the pangs of hunger and want were such a thing to occur. But outside of the question of transportation affecting the producer in the West and the farmers in the West, to whom the question of a cent a bushel on grain is a serious question—outside of that there is a local question in addition to the matter of the laboring classes of New Orleans.' I feel and my fellow-citizens feel that we never know when this catastrophe will come upon us."

It is a fact that besides the soundings taken by the local pilots at the Head of the Passes and on the bar, we receive reports of soundings taken by the junior engineer, Mr. Washburn, of such localities as he happens to be in, and these soundings and Reports are posted on the bulletin board at the various stations and in the office at New Orleans.

In New Orleans the Southern Pacific passenger steamers are piloted by two special pilots that make no less than 17 trips per month, and these pilots have to telephone down to the bar for information, and many times the steamers are hailed and stopped at the head of the passes, and it takes these steamers between five and six hours to make the run to the upper pilot station, and it has often happened that these vessels were diverted down to the other pass. This also applies when vessels run aground on the bar and in the passes these steamers are hailed and stopped. These vessels navigate the passes night and day. The captains of these steamships have been in the employ of the Southern Pacific Co. from 15 to 30 years, making two trips monthly, and the company has always taken local pilots; and one time some of their steamers drew as little as 10 feet draft.

It is the experience of all the pilots that barges in tow of steamers and tugs are unmanageable when loaded, with little action on the rudder, due to the fact that the current has to be shifted from one quarter to the other of the barge, the effect of countercurrents, the dangers of the suction from banks and shoals, and when passing other vessels where the channels are narrow; these places are known only to the local pilots, and to allow these barges to go down these passes without a local pilot would endanger the other vessels navigating the passes into a collision and possibly sink one or the other and block the passes.

There is telephone connections between the Head of the Passes Pilot Station and the station at South Pass; whenever an outgoing or an incoming vessel goes in or out it is immediately phoned to notify the pilots who are on turn; this is done night and day, and when vessels do not arrive at either end in the usual time no other vessels enter or go down into the passes until the cause of detention has been ascertained; in Southwest Pass the steam pilot boat goes up above Burwood and notifies any vessel that might come down if there is any vessel ashore there.

The American steamship *Brunswick*, running between New Orleans and Tampa, Fla., draws about 16 feet, has been running several years, making weekly trips, and it is a fact that some of the local pilots go on board and notify the captain of that vessel about vessels being ashore. As he does his own piloting, if he were not told by someone, he would go down into the pass, and there he would possibly find a steamer ashore and perhaps sink himself or the other vessel, and with all that he has had some very narrow escapes.

I wish to call your attention to the blueprints of Head of Passes of the United States engineer, dated May 2, 3, and 6, 1913. On those dates the blueprints show at the T Head an available depth of no less than 30 feet, and you will notice by the red line on May 13, just 7 days afterwards, a lump had formed across the pass. The red marking was made by the United States engineer at Port Eads. This shows what the silt will do in such a short time.

Again, I refer you to blue prints, dated October 25 and 28, 1913. This chart shows a different condition. You will note the shoal on the May chart was well up above the T head, and on the October chart this shoal had worked nearly down to the West Jetty Light, and from a depth of 30 feet down to a depth of 19 feet, and a small shoal showing 17 feet.

I wish to call your attention to the red line leading up from Southwest Pass. This was the channel leading up into the river a few years ago, when nearly all of the Head of the Passes had shoaled up, and you can take all the blueprints made by the United States engineers, and they all show different soundings and changes in the passes. See the blueprints dated August 27, 1915, and October 21, 1915. This last one shows quite a shoaling from West Jetty Light down into Southwest Pass.

I also call your attention to the blueprints of the bar at South Pass, dated June 24, 1912, and August 24, 1915, which show various changes.

A few years ago the Standard Oil steamer, I believe the *Socony*, came down to go out Southwest Pass. The captain of the *Socony* informed the pilot that he did not require any, but that one pilot could go on board the barge after leaving the Head of the Pass pilot station, and before he had entered Southwest Pass the *Socony* ran ashore; the pilot on the barge, Capt. Albro Michel, slipped his wire hawser and went down into Southwest Pass, about 3 miles, and anchored there without even touching the bottom. The steamer remained ashore about 12 hours.

(Mr. Burke presides.)

Mr. SAUNDERS. Now, Mr. Chairman, I want to ask this question. Could you give any idea, Captain, with respect to the fees derived from this barge business; how much the pilotage fees amounted to for the past 12 months for barges in tow which entered the port of Charleston?

Capt. IGOE. I do not know exactly. When they loaded in they paid \$21.

Mr. SAUNDERS. I understand what the rate is, but what is the aggregate derived from that source in the past 12 months?

Capt. IGOE. I could not even give it approximately, but I do not think it was more than \$500.

Mr. SAUNDERS. You think \$500 would cover it?

Capt. IGOE. I may be \$500 out.

Mr. SAUNDERS. Just hazarding your judgment on it, you would think that \$500 was derived from this source in the past 12 months?

Capt. IGOE. I could not tell you. It is a hard matter to say that definitely. It may have been more.

Mr. SAUNDERS. It could have been less?

Capt. IGOE. Well, I do not think it could have been any less than that. It must have been more. Those gentlemen may have the figures, and if they can give them I wish they would. I don't want to hide anything.

Mr. OAST. Haven't you got the figures that were furnished Mr. Rapp at Charlestown up to as late a day as 1914, showing the aggregate fees collected from steamships, schooners and barges?

Capt. IGOE. I haven't the barges. Now you gentlemen can give what you paid.

Mr. OAST. Can you get those figures in the record?

Capt. IGOE. There were Standard Oil barges, etc.

Mr. SAUNDERS. What are the barges that entered in fact?

Capt. IGOE. Sometimes the Eastern Transportation Co., sometimes coal barges come in, sometimes the Texas Oil barges.

Mr. SAUNDERS. Is there anybody here that speaks for the Eastern Transportation Co.?

Mr. OAST. The Southern Transportation Co.

Mr. SAUNDERS. Is that what he calls the Eastern Transportation Co.?

Capt. IGOE. That is different.

Mr. SAUNDERS. Any one here that speaks for that company?

Mr. OAST. They are not represented.

Mr. SAUNDERS. Take the Southern Transportation Co.

Mr. OAST. The Southern Transportation Co. carry coal, and steel rails, and such commodities to the South, and bring back lumber and phosphate rock to the North.

Mr. SAUNDERS. Can you give me any idea in the past 12 months, of the fees which have been paid?

Mr. OAST. Approximately I can tell you what they paid during the period beginning January 15 to October 15, a period of 10 months. In that period 15 barges made 55 several trips; that is, not 1 barge made 55 trips, but the whole 15 made trips aggregating 55. That was to Charleston, Savannah, and to Wilmington and to the ports south of Cape Henry and Cape Hatteras.

Mr. SAUNDERS. Could you give us Charleston?

Mr. OAST. I have not them separated. Those barges paid approximately \$3,600 in those 10 months, distributed among the various ports.

Capt. IGOE. I can tell you what the coastwise business was.

Mr. SAUNDERS. Those were?

Mr. OAST. Beginning south of Cape Hatteras is Wilmington, the next is Charleston, the next is Savannah.

Mr. SAUNDERS. Is that all? Does Jacksonville come in there?

Mr. OAST. We haven't gone as far as Jacksonville, but they have gone into St. Helena, where there is more pilotage, and they also operated from Chism Island up by St. Helena to Savannah over the inland waters, not going outside, but the pilots there claimed the pilotage.

Mr. SAUNDERS. Now, this \$3,600 includes that, too?

Mr. OAST. Yes, sir.

Mr. SAUNDERS. Fifteen barges, then, in 10 months operating between ports that you have mentioned paid \$3,600 pilotage?

Mr. OAST. Yes, sir.

May I give you this information, too? The State barge pilotage at Savannah now amounts to about 6 cents per thousand feet on lumber and approximately 4 cents per ton on coal. At Charleston it amounts to about 4½ cents per thousand feet on lumber and about 3 cents per ton on coal. If a barge now goes south light, but returns with lumber, the light and loaded pilotage would amount to about 7 cents per thousand feet out of Charleston and about 9 cents per thousand feet out of Savannah. Including the State pilotage charges at Beaufort, N. C., the State barge pilotage from Savannah to Neuse River now amounts to about 10½ cents per thousand feet on lumber and about 7 cents per ton on coal. From Charleston to Neuse River it amounts to about 9 cents per thousand feet on lumber and about 6 cents per ton on coal.

Mr. SAUNDERS. Are the pilotage rates higher at Savannah than at Charleston?

Mr. OAST. Yes, sir; \$26 at Savannah and at Charleston \$21 before the duties were reduced. They were reduced on February 4—since this hearing began.

Capt. IGOE. I would like to say that our coastwise business amounts to \$13,600 at Charleston. It costs us \$10,000 a year to keep up our service.

Mr. BURKE. Call your next witness, Captain.

State your name and residence.

STATEMENT OF CAPT. FRANK W. SPENCER, MASTER OF PILOTS, SAVANNAH, GA.

Capt. SPENCER. Mr. Chairman, gentlemen of the committee: An important board of Savannah is interested in this small barge bill for various reasons, the principal one being that without expert pilots—local pilots in charge of tows—steamers, tugs, whatever they may be, they are not safe. They must have the experience and service of the bar pilots for deep-draft and important vessels if the port of Savannah is to be navigated with safety. We have a distance from the city of Savannah to the sea of 24 miles, average width of the channel being 400 feet. It won't exceed 550 feet at any point.

Mr. BURKE. You mention the entire distance from the city to the sea. How wide is that body of water on the average?

Capt. SPENCER. At the city it is about 600 feet. It would average possibly from 800 to 900 feet, the average width; that is, down to the sea, where it is 18 miles. At the city it is 600 feet in width. We are handling vessels at the port of Savannah with a length of 500 feet. The channel is about 400 feet wide for the biggest boats. Those vessels draw the maximum they could possibly draw from city to sea.

Mr. BRUCKNER. How would one of those vessels turn if the channel is only 400 feet wide?

Capt. SPENCER. I am speaking of the deep draft, with 30 feet of water, high water. The ocean steamships draw about 18 to 20 feet.

Mr. BRUCKNER. How long?

Capt. SPENCER. Four hundred to 430 feet in length. We have handled tramp steamers 500 feet long. I have myself. The important thing is this tramp steamship that draws that amount of water. We figure in inches for these vessels the entire distance. I have had vessels when I figured 2 inches under her keel, and we didn't have any more. That is the important thing, gentlemen, I want to stress above all things. If these channels are not kept clear for these deep-draft vessels, why coastwise vessels are bound to anchor in the narrow streams. As it is now, the compulsory pilotage is the only thing that is protecting the channels. We have pilots for all barges. Steamers have a licensed pilot on board, and a great many of them take pilots.

Barges now entering the port of Savannah, or any other ship or vessel can get a pilot at any hour of day or night, except during a hurricane. We are compelled by the Commissioners of Pilotage, who are now under the authority of the State of Georgia, to operate and maintain a steam pilot boat. The rules say, "The pilot shall maintain and provide a steam pilot boat, with accommodations aboard for at least 8 pilots, which boat shall always (weather permitting) remain on the station at the outer bar for the purpose of furnishing pilots to inward bound vessels and relieving outward bound vessels of pilots. Such pilot boat shall not leave her station at the outer bar except in cases of emergency." That is part of rule 4 in the book.

The statement has been made, and I want to put it in the record, by one Capt. Brown. The captain goes on to say—I haven't it right at hand—that he has appeared on Tybee Bar with vessels and been unable to get a pilot off the bar. I venture to say that Capt. Brown is the only man within the confines of the State of Georgia who would say that, because it is untrue.

Mr. BRUCKNER. Who is Capt. Brown?

Capt. SPENCER. He is the captain of a tug boat who testified in favor of the bill. He is interested in getting business for the Southern Transportation Co. I am making this statement of my own knowledge. He stated that it was hard to get a pilot off the coast of Savannah. The only time barges have come in without pilots is when Capt. Brown tows them in under cover of the night, and he has doused his lights, and there is a purpose in that, of course. I can prove these statements. Capt. Brown has stated that he is compelled to do these things or he will lose his job.

Mr. OAST. Mr. Chairman—

Mr. BURKE. I think the better policy is that each party permit the witness to go on now and save your points and replies until later.

Capt. SPENCER. I wanted to stress the importance of all boats, or anything else, in tow, having pilots going into the southern ports. I will touch upon the port of Savannah, and such places as we have jurisdiction over. I say to you in good faith that I consider that unless bar pilots, local men of ability, so recognized in the community and in court records, are employed on vessels in tow, the channels which are dug expressly for deep-draft vessels are useless. These channels must be used when they are navigating from city to sea. They must be kept clear when a lighter draft vessel is attempting to pass them, with the assistance of the bar pilots of the port of Savannah, or else this can not take place. It has been proven and demonstrated in our port that tug masters, as well as masters of coastwise sea vessels, are extremely careless and indifferent in navigating this channel, when meeting these deep draft vessels. I have known many a case where I was in charge of a vessel drawing the maximum draft going out of the port of Savannah where these towboat men even went light, and the masters of coastwise vessels would hold a dead center line. The coastwise ships have often abused the pilots for driving them out of the channels and they made complaints because the pilots drove them out of the channels, when those vessels drawing all of the water must keep in the center. It is sometimes impossible to slow down, and yet these coastwise ships can get out of the channel if they know the conditions, but they are ignorant of the conditions. I served my apprenticeship with them, and if they vary from the range line a quarter of an inch they hurry up and get her back on the range. To the pilot this is absurd because he knows the water. Pilots are constantly taking soundings.

I just want to speak of the Government pilot. There has been so much said about his wonderful efficiency and ability. We have Government pilots coming down in charge of tows, schooners, barges, or whatever it may be. Although they are licensed for the port of Savannah, they take bar pilots on board. In other instances where they have absolute orders not to employ bar pilots, they work alongside of a barge in tow, although they hold a license. They feel then that they are at ease if they are alongside a vessel that has a bar pilot on board. That happens often.

Now, how is this system to be maintained if there are these vessels that must have pilots, if all the shipping, the combined commercial interests, do not contribute to it, even though they do not need pilots every time. They do need them through the bad weather.

Mr. SAUNDERS. I wish that you would answer the question now that I asked Mr. Small the other day. Take one of these tugs going

in your channel there equipped with a Government pilot, and on the barge that is taking is a bar pilot. If any trouble arises with respect to the handling of that convoy what would the bar pilot do? How would he meet any emergency that would arise when the tow in front is in charge of the convoy?

Capt. SPENCER. I will give it to you. It is considered in our section by the masters towing vessels themselves, that the moment a bar pilot boards a towing vessel, the bar pilot is in charge of that tow.

Mr. SAUNDERS. But he is not on the towing vessel, but on the barge. What would he do there?

Capt. SPENCER. He has to understand the system of signals, and he signals the captain of that tug boat that if he wants to go one way or the other, to depart from the true channel when meeting a deep-draft vessel going down, he will give a signal. If it is known by the pilot on the towing vessel that the tow is liable to meet one of these deep-draft vessels on a particularly dangerous turn—and we have them in Savannah River where we turn these points on the course here—he will not permit the towboat captain to go on and meet the deep-draft vessel on the turn, but would wait there for the deep-draft vessel.

Mr. SAUNDERS. The bar pilot then really has charge of the expedition?

Capt. SPENCER. Absolutely, in the port of Savannah.

Mr. SAUNDERS. And he does that with the acquiescence of the Government pilot who is on the towing vessel?

Capt. SPENCER. That has been the custom all my life since I have been connected with maritime matters.

Mr. SAUNDERS. Then instead of changing the course from the towing vessel he gives a signal to the vessel behind.

Capt. SPENCER. When it is necessary he changes course.

Mr. SAUNDERS. Admitting that would work, what would the pilot accomplish on the rear barge if you had a tow of three barges, each having a bar pilot, and the pilot on the front barge with his signals directing the course from the towing vessel—what would the two on the rear barges do?

Capt. SPENCER. Their services are valuable, and if you will permit, I would like to read a statement on that very point:

SAVANNAH, GA., February 4, 1916.

The undersigned, regularly licensed masters of coastwise towboats after years of active experience, desire to state that licensed bar pilots should be employed on all vessels when trading upon the bars and harbors of the ports on the south Atlantic coast. Vessels in tow are protected in narrow channels against accidents when licensed pilots are on board. In the assembling of tows or upon bringing them to anchor, the licensed pilot is of great assistance not alone to the tows themselves but to all other shipping in general. Any legislation exempting barges or other vessels in tow from compulsory pilotage should be defeated as the present laws, as they stand, tend to encourage a well-defined system which serves as a protection to all shipping using the bars and harbors on the south Atlantic coast.

Respectfully submitted.

VAN B. AVERY,
Master Mariner and Tugboat Manager.
URBANO NICOLICH,
Master of Coastwise Towboats.
THOS. H. LAIRD,
Harbor Master and Tug Master.
WM. D. SCHWARTZ,
Master Coastwise Tugboats.
W. V. HARRIS,
Master Coastwise Tugboats.

I can go further in answering that question of yours and say——

Mr. BRUCKNER (interposing). Are those in any way connected with your association?

Capt. SPENCER. No, sir; in no sense of the word. One of these men, Van B. Avery, is commissioner of pilotage, but doesn't receive 10 cents from the pilots. He has authority under the State laws of Georgia to protect shipping. He represents French and American interests in the South Atlantic coast.

Mr. BURKE. That hardly answers the question of Judge Saunders as to what the pilot does on the second and third barge.

Mr. OAST. May I ask a question?

Mr. BURKE. We will have to stop this questioning of witnesses by outsiders. That is the privilege of members of the committee.

Mr. OAST. I understand, Mr. Chairman, that at the request of Mr. Small yesterday afternoon before Chairman Alexander, Chairman Alexander accorded me the privilege of asking questions on behalf of the proponents of this bill.

Mr. BURKE. Certainly; but at the close of witness's statement.

Capt. SPENCER. I wanted to go further in saying that when there is more than one barge in tow—and these barges may be of deep draft. This thing to my mind is getting down to the point where it is entirely out of order. The gentlemen are thinking only of these little 10-foot barges. We have barges drawing 26 feet.

Mr. BURKE. In depth?

Capt. SPENCER. Yes, sir. These vessels have got to be——

Mr. BRUCKNER. Twenty-six feet of water?

Capt. SPENCER. Yes, sir; Standard Oil barges. That is the draft of the barge.

Mr. BURKE. What is the length of your largest?

Capt. SPENCER. Four hundred feet and over. I was going to say, Mr. Saunders, that when there is more than one barge in tow, it is necessary to have a skillful pilot in charge of these barges, not only when they are navigating a channel but when they are brought to anchor. What would an ignorant man on a barge drawing 26 feet do? He would anchor her right square in the channel.

He wouldn't know anything else to do. A man entirely unfamiliar with local conditions, when a vessel was coming down drawing all the water in the channel, would not know what to do but anchor. How is that deep-draft vessel going to get by the man who has anchored in the channel? If you have a licensed pilot on board, he will shear out and let the vessel go by. I think that answers your question. That is the most important point. Any of the Standard Oil people, or any other barge concern, with the exception of one, have made no extra effort to do away with compulsory pilotage. They want it.

Mr. SAUNDERS. Do you know anything of the port of Norfolk?

Capt. SPENCER. Very little.

Mr. SAUNDERS. Those difficulties which you suggest—I would not undertake to say they are not real—but wouldn't they apply at the northern ports just as well as at Savannah?

Capt. SPENCER. They tow barges going in there. There is broad water at a considerable portion of the entrance.

Mr. SAUNDERS. That is true; but there is a channel of water that shallows out on either side. Wouldn't those difficulties of anchoring

in of outgoing vessels or incoming vessels apply as well there as at Savannah?

Capt. SPENCER. If the channels are correspondingly narrow with Savannah, I would say yes, sir. Absolutely.

It has been stated by Congressman Small in the record here that masters of tugs are willing to tow without pilots on the south Atlantic coast. I believe if Congressman Small had stated that one master of tugs on the south Atlantic coast was willing to do that of his own volition he would have been correct. I allude to Capt. John Brown. He is willing because he has to, as he stated. The rest of the towboat masters who are handling vessels have stated, and will give you the reasons if they should be asked personally, why these pilots are necessary on board of barges or schooners under tow.

It has been stressed that pilots are a hindrance to this particular type of barge, which is a 9 or 10 foot barge, that is threading along down the South Atlantic coast. On July 19, 1915, the barge *Oronoco*, belonging to the Southern Transportation Co. at that time—I presume she does yet—was towed down off Tybee Bar by Capt. John Brown. He anchored the barge *Oronoco* off Tybee Bar. This barge, as I understand from the masters of these barges themselves, was never built to go to sea, but she was anchored out in the Atlantic in deep water—7 fathoms of water, where we get a nasty sea. Brown left this barge out there to go down south to take another tow. That afternoon late a severe southerly wind and sea came up. The master of the *Oronoco* sent signals with the American flag for pilots on the steam pilot boat to come to his assistance. They went alongside as near as they could and asked him what they could do. He said, "Gentlemen, I want you to stand by my vessel, or rather to help me get under way, to get out of this place. This craft will not stand wind, and I am sure she will founder during the night. I have my wife and child on the boat." He had one more man. That was the crew, I think. I won't be positive about that. They said, "We will tow you in, captain," and they would have towed him in free, but it was impossible for the small crew of that barge to get her anchor. The tow boat that was protecting this vessel deserts it, and the vessels which are a hindrance to these barges go to its relief. He said, "Gentlemen, don't leave me to-night."

Mr. BUCKNER. When did this happen?

Capt. SPENCER. On July 15, 1915. The pilots laid alongside that vessel all night. The next day a tugboat came out from Savannah and took her in. Brown never did it. He is the gentleman who is willing to tow vessels in and out without pilots. He does it. It is not any credit to them. It is pertinent to this question that is being pressed before the committee, absolutely. As Capt. Igoe said, it is for profit and not from a humane standpoint in any way.

The most important thing to be considered is whether these pilots, with their expert information, should be there to steer them clear from deeper draft vessels. These 10-foot barges can be handled and kept out of the way if the men are there to take enough interest to keep them out of the harbors.

There has been so much said by Congressman Small about spending so many millions of dollars on the Savannah River. They have done

it, and received profit by it, because the Savannah bar pilots are handling these vessels successfully. They are keeping the smaller craft out of the way, and it is a credit and no reflection on the board because they are successful in their efforts. The revenue to the Government is great. Savannah has not received appropriations from the Government because her shipping has not been jeopardized, and I tell you that although the board of trade went on record in Savannah, without the pilots knowing anything about what was going on, through the instrumentalities of the hired men of the Southern Transportation Co., who went before the directors of the board of trade and got them to pass a resolution indorsing this Small barge bill, the pilots knew nothing about it when the resolution was passed.

When I got back to Savannah I got wind of it, and I demanded a rehearing before the board of trade. I am a member of the board of trade. That was the way they treated the bar pilots when a person representing a powerful corporation came down there. There were some lumbermen on this board, directors of this board, and they could see only one thing, but they regret their action. The other boards passed similar resolutions. Charleston afterwards rescinded, but the Savannah board did not want to embarrass themselves, and they let it stand the way it was. The board of pilotage commissioners of the port of Savannah have something to say on this barge matter. It is addressed to the chairman and Committee on Merchant Marine and Fisheries.

(The statement referred to follows:)

To the chairman and Committee on Merchant Marine and Fisheries, House of Representatives, Washington, D. C.:

The undersigned, the board of pilotage commissioners of the port of Savannah, earnestly protest against the amendment to section 4444, Revised Statutes, as submitted in favor of exempting coastwise barges from compulsory pilotage, as it is fully realized that the proposed amendment would jeopardize navigation on the bars and rivers in this section, and we respectfully urge that the existing laws governing pilotage be allowed to continue in full force and effect as at present. Vessels using inland waterways exclusively should be exempt. Coastwise vessels should follow law as it stands.

JAMES M. BANARD,
Chairman, Ship Broker, and Pilot Commissioner 25 years.

WM. W. WILLIAMSON,
Ship Agent and Alderman.

E. A. ARMAND,
Ship Agent.

VAN B. AVERY,
Master Mariner, Towboat Manager.

J. F. MINIS,
Banker and Merchant.

GEO. ARMSTRONG,
Vessel Owner and Agent.

JOS. HULL,
Exporter and Banker.

Summary of disasters at sea as reported by disaster record book of Philadelphia Maritime Exchange during the years 1913, 1914, and 1915.

Disasters reported occurring to schooners.....	282
Disasters reported occurring to steamships.....	78
Disasters reported occurring to schooner barges.....	27
Disasters reported occurring to converted barges.....	13
Disasters reported occurring to ships.....	9
Disasters reported occurring to tugboats.....	9
Disasters reported occurring to whaleback barges.....	2
Disasters reported occurring to dredges.....	2
Disaster reported occurring to steam barge.....	1
Disaster reported occurring to car float.....	1
Disaster reported occurring to lightship.....	1
Disaster reported occurring to United States naval tug.....	1
Disaster reported occurring to United States coal scow.....	1

There were no losses reported to vessels of the class operated by the Southern Transportation Co. at sea during these three years.

Mr. BRUCKNER. Have they any connection with your association, these men?

Capt. SPENCER. Only as a governing authority under the laws of the State. They are authorized by the State laws. They are commissioners at each Georgia port to regulate pilotage matters, to hear all complaints.

Mr. BRUCKNER. Any financial connection?

Capt. SPENCER. Absolutely none. They are all very powerful business men. One of them is worth millions of dollars. Not connected with shipping now at all. One is a shipowner. Another is an owner of coastwise vessels, owner of the schooner *Forest City*, hailing from the port of Savannah. He would not permit the vessel to come in without a pilot on board—I allude to Van B. Avery—even though she was in tow of one of his own towboats connected with his company.

I have another statement, Mr. Chairman, that I would like to submit, which is pertinent to the question.

(The statement is as follows:)

SAVANNAH, GA., February 5, 1916.

To whom it may concern:

I have been trading on the Atlantic coast for the past 16 years, having commanded sailing vessels and barges during that time. My voyages have carried me into many of the South Atlantic ports and I am familiar with conditions on these bars and harbors and can truthfully state that licensed pilots should be employed on all classes of vessels whether they be under steam or under tow, and I firmly believe that any legislation favoring a change in the present compulsory pilotage laws should be defeated for the good of shipping as a whole. The States are regulating conditions far better than the Federal Government might do, and it is to be hoped that the present laws may stand.

Respectfully,

R. P. QUILLIN,
Master Barge "*Beljust*."

Capt. SPENCER. I should also like to submit the following clipping from a New York paper dated Reedy Island, Del., February 7, 4 p. m.:
(The item referred to follows:)

Barge *Satilla*, from Brunswick, went aground off Finns Point eastward of the channel about 1 a. m. to-day and remains; she was in tow of tug *Triton*. Will probably have to lighten.

Mr. SAUNDERS. Does that show that a bar pilot on that barge would have kept it from going aground?

Capt. SPENCER. I feel that it would have done so.

Mr. SAUNDERS. I don't think an item of that sort is much of an addition to our hearing.

Capt. SPENCER. It bears this out, as has been stated so repeatedly at the hearing, that the tug master is always looking for his tow.

Mr. BRUCKNER. How long have you been on Savannah River as a pilot?

Capt. SPENCER. I served four years' apprenticeship.

Mr. BRUCKNER. How long as a pilot?

Capt. SPENCER. Seven years or a little better.

Mr. BRUCKNER. In that time, how many vessels in charge of your pilots have gone aground, do you know? I mean where your men were in charge.

Capt. SPENCER. You mean vessels subject to pilotage.

Mr. BRUCKNER. With a pilot on board.

Capt. SPENCER. I had occasion, sir, to make and compile a list of vessels that had grounded some couple of years ago, and I found that one vessel in approximately one thousand went to the shore where it was the fault of the pilot.

Mr. BRUCKNER. When it went to the shore was that a total loss?

Capt. SPENCER. No, sir; it never has been when in charge of a pilot. They have been lost when not in charge of a pilot. It was stated down at Savannah by Secretary of Commerce Redfield that the barges, coastwise barges, are giving him a great deal of concern and worry, and he stated why—on account of the great loss of life. It is occurring every month on our coast, especially in the winter months—old condemned hulks, vessels, for instance, belonging to the Southern Transportation Co. They are allowed to go to sea. They have only been trading a short while, but if it is allowed there is going to be a loss of life from those barges. They are not designed to go to sea, yet they are going.

Secretary Redfield has a suggestion here regarding the solution of the handling of these cargoes that are congesting shipping and a safe vessel. I don't want to read the whole thing. It is simply a small type of barge with power. We have one of the most treacherous seas at Tybee bar that they have anywhere, and if a barge breaks its hawser it can save itself.

(The item follows:)

INTERESTED IN NEW BOAT—ATLANTIC COAST SHIPBUILDERS EXPECT IT WILL SOLVE
MARINE PROBLEM OF UNITED STATES.

Shipyards and shipping firms are evincing much interest in the new type of vessel which Secretary Redfield believes will solve the great shipping problem which the country is now facing. Officers of Atlantic coast ship-building firms have been at the department gathering information concerning the new vessel, which is a large steel schooner with auxiliary engines to carry it through any calms it might encounter while in the ocean.

Secretary Redfield said to-day that this was one of the most important problems facing the department at this time. He said that a look into any of the railroad yards at any of the great shipping points would show the amount of material that is being held up because of the lack of ships to carry it.

This particular kind of ship can be built in half the time of any other type of vessel and shipyards can be gotten ready for them quicker. . Another feature in their favor is that they can be built at inland yards and sent out to the coast.—(Washington Star.)

Mr. SAUNDERS. That type of barge would come in under its own pilot?

Capt. SPENCER. And we have the minimum amount of power to keep the boat off the shore.

There was some agitation on the part of a powerful organization and will be more agitation, I believe, for laws to safeguard sailors' lives on these barges. The sailors are protected now with the exception of those on barges. They don't come under any law, so I am informed by a United States inspector.

I have some newspaper clippings that I should like to have printed in the record.

(The items follow:)

NEED OF LAWS TO SAFEGUARD SAILORS' LIVES—DUTY OF NATION TO INQUIRE INTO CONDITIONS, SAYS GIBSON—BARGES OVERLOADED TO ALARMING DEGREE.

NEW YORK, December 8.

Need of Federal laws to safeguard the lives of sailors on board barges in coastwise traffic is set forth by Bruce Gibson, president of the National Marine Engineers' Beneficial Association, in a statement issued to-day. Mr. Gibson declared it to be the duty of the United States Government to investigate the conditions under which heavily loaded barges are sent to sea.

"The coastwise barges are overloaded to an alarming degree and are without means of propulsion," says Mr. Gibson. "After the hawsers have parted they are allowed to go ashore or founder and it is impossible in many instances for the towing vessel to pick them up again, due to the many vessels in tow.

"Some efficient manner of propulsion should be installed in barges so that they may work out of danger. A load line fixing a safe and reasonable depth at which these barges should be loaded also is badly needed.

"Barges are the cheapest and most dangerous type of vessel in the coastwise service and a constant source of danger to the men who man them as well as to all shipping. Old condemned hulks and new vessels unfitted to go to sea, most of them carrying small crews poorly paid, constitute this fleet of vessels now competing with first-class steamships fully equipped and manned by capable licensed officers. In the event of war which of these fleets would the Government need most?" (Savannah Press.)

STEAMSHIP SINKS BARGE; THREE PERISH—TWO RESCUED FROM COAL COMPANY'S CRAFT, RUN DOWN OFF POINT JUDITH.

PROVIDENCE, R. I., Friday.

The steamship *Howard*, of the Merchant & Miners' Transportation Co., arrived here to-day with two of the crew of the Consolidated Coal Co.'s barge No. 12, which was run down and sunk off Point Judith this morning. Three men aboard the barge were drowned, including Capt. Edward Seaman; George Reynolds, a deckhand, and a cook whose name has not been learned.

The engineer, James Ressler, and Charles Hagan, a deckhand, were rescued by the *Howard's* lifeboats.

The No. 12, together with the No. 17, was in tow of the steamship *Charles F. Mayer*, bound from Baltimore to Boston, when the collision occurred. The sharp bow of the *Howard* cut 15 feet into the hull of the head barge. Reversed engines quickly disengaged the steamship from the barge. Capt. Payne, of the *Howard*, ordered two lifeboats lowered. His crew worked fast and the boats were lowered one in three minutes and another in five. The No. 12, however, sunk in two minutes after she was struck.

Ressler and Hagan were rescued from the water, but no trace of the other three could be found. As it was possible that a boat might have been lowered by the others of the crew of the barge, the steamship went southeast 5 miles playing her searchlights over the water, but no boat was seen.

The *Howard* was undamaged. The two survivors from the barge went to Boston this afternoon to make a report to the Boston Consolidated Coal Co. officials there. They think that Capt. Seaman and the other two of the crew were drowned in their berths, as they were off duty and had turned in.

Capt. SPENCER. I want to stress this point. It is one of the most important points that will be brought out at this hearing. It has been stated that the pilots want this barge fee through selfish motives—that has been stated not only here but elsewhere—in the port of Savannah to-day, and for the purpose also of maintaining their equipment. In the port of Savannah to-day the Savannah pilots accompany barges from Savannah down the Savannah River, down the coast, over the bar of St. Catherines, Ga., into the port of Belfast, Ga., a distance of 100 miles, without one cent fee being paid to them. Why do they do that? For this reason, and this alone, that they realize that these barge masters are ignorant of local conditions on Savannah River, and these bar pilots have resolved that they will not permit these barges, even though they are a tow, to navigate their channels without an expert local pilot being on board, while the State law does not allow him to charge for the service. They are away as long as 36 hours from their homes at a time, and I can give you affidavits to that effect if required. The custom has been followed for 10 years, and is being followed to-day. When the question has arisen of what was the use of carrying them out when they didn't get pay for it, the barge masters have said, "We are not kicking so much about paying for it." "But why," they are asked, "do you make these men go out there when the tugboat masters can tow them?"

The very point is brought out that the local men do not want to jeopardize their commerce. It is more important to protect the commerce of deep-draft vessels in all ports. In a number and perhaps all cases is this done. In the port of Belfast, which is a new place owned by Hilton Dodge for a powerful corporation, it is very difficult to navigate. You have to go up to this mill a distance of 23 miles from the sea and in some instances do not get any revenue for it. The State law does not permit it. The bar pilots of Savannah, who have jurisdiction over Belfast have sent men down there to erect aids to navigation where the Government had not provided for them. They have sacrificed pilotages, because it was a worthy object. They have erected aids to navigation so these barges when they are deep loaded and drawing all the water can get in and out of Belfast. Our local pilots at Savannah have all gone down there and spent money out of our earnings to do this.

Mr. Frye has stated, and in good faith, but he has been misinformed, as to barges being towed in without pilots on numerous occasions. That only occurs where this man John Brown has gone in under cover of the night, taking chances.

Mr. Henderson also made a statement—and I give him credit for being misinformed—that when barges come up the coast or go downward, come to Tybee bar, they would change pilotage. That is not true. It has not been done, to my knowledge, and I have been there for 17 years.

I think, Mr. Chairman, that I have pretty nearly covered this thing. So much has been said about the necessity of bar pilots on all ships or vessels and the inconsistency of allowing tug masters and coastwise masters to jeopardize the commerce of the harbors, that I want to have this inserted in the record. It is a tribute by the estimable judge of the Chatham County Superior Court of Georgia in a court decision to the pilot.

(The statement follows:)

It is difficult to overestimate the importance of the duties of a pilot. They are supposed to protect vessels and to protect the port. The importance increases year by year. Millions of dollars are expended by the General Government on the improvement of the harbor, and with the increase of commerce the entire State is vitally interested that these men shall do their full duty.

Capt. SPENCER. I want to make another statement, and I want to stress the point, and that is this: I am in earnest in my vocation, and I feel that the pilotage system of this country without a doubt bears the same relation to this water-bound commerce that the United States Navy bears to the safety of the people. It may be needed at any moment and must stand guard constantly, and it necessarily rests upon the industries of the people of this great country to maintain it. Without it disaster will be the only result. I haven't anything further to say. I think the ground is covered. I would be glad to have this telegram inserted in the record.

(The telegram follows:)

SAVANNAH, GA., February 7, 1916.

FRANK W. SPENCER.

Hotel Driscoll. Washington, D. C.:

Coal per ton Philadelphia to Savannah last year \$1.10: this year about \$1.50. Lumber per thousand, five to six dollars, New York and Philadelphia to Savannah; this year seven to eight dollars.

THOMAS PURSE, *Secretary.*

Mr. BURKE. Do you propose to make a statement or ask questions?

Capt. MICHEL. Ask questions. Capt. Spencer, can you recognize that [showing a blue print] as soundings taken in the river? Are they taken in your harbor something like that, by the pilot? This is in the Mississippi River, but what I want to bring out is, do you take soundings in the channel straight on these ranges, or in order that you can get in shallow water with light draft vessels, do you sound across these places?

Capt. SPENCER. We sound to the entrance to the port of Savannah to the fullest extent.

Capt. MICHEL. Do you go across the channel?

Capt. SPENCER. Both ways.

Capt. MICHEL. You have equipment for that purpose?

Capt. SPENCER. Yes, sir.

Capt. MICHEL. Could a Government pilot go in on a range that is put up possibly by you; has he any facilities; does he leave his vessel and make these soundings?

Capt. SPENCER. He does not. He follows a dead center line of ranges, and knows nothing else.

Capt. MICHEL. Then if you came down with those ranges on, and it was absolutely necessary for you to go with those ranges on, could a light-draft vessel, with a Government pilot on, know just where to go, without having the local knowledge, having taken these soundings?

Capt. SPENCER. He could not, sir.

Capt. MICHEL. Then he keeps on the ranges?

Capt. SPENCER. He does.

Capt. MICHEL. And finds fault if you don't give way to him?

Capt. SPENCER. Right.

Capt. MICHEL. That is what I wanted to bring out.

Mr. BURKE. Do you propose to offer that in evidence [indicating the blue print]?

Capt. MICHEL. I want to submit this later. I want to show this for the Mississippi River.

Mr. OAST. Capt. Spencer, you made a statement just now with reference to the difficulty of meeting tugs and barges in tow on Savannah River. Do you find it difficult to get by them?

Capt. SPENCER. I stated, I believe, Mr. Oast, that it would be difficult for the barges and tugs that meet. If tugs continued on their course where they were liable to meet a very deeply laden vessel going down or coming up, unless the tugs and barges had a local bar pilot on board who had every consideration for the deeper draft vessel coming down or going up, and would give proper instruction to shear out of the way as far as was safe.

Mr. OAST. As a navigator, Captain, which is the burden vessel as between a tug and the tow and any unencumbered vessel such as a steamer?

Capt. SPENCER. I am glad you asked that question. The steamer is so held to give way to the tow. The steamer is placed in great jeopardy by these very tugs and barges, not only in the port of Savannah but in all ports on the Atlantic.

Mr. OAST. It is the duty of the steamship, is it not, to keep away from a tug encumbered with a tow?

Capt. SPENCER. The law reads that the steamer should give way, and the man in charge of that vessel should have every consideration for that tow possible.

Mr. OAST. Precisely.

Capt. SPENCER. I want to draw a comparison right there, sir. It is important. These tows that you are so interested in would shear anywhere almost in Savannah River if the man in charge of them has proper consideration for the deep-draft steamer that they are meeting, although as construed by the law the steamer is supposed to get out of the way of a barge drawing 10 feet, where the steamer is drawing 28 feet. It is possible with the steamer drawing 28 feet; we have done it with a steamer drawing 29½ feet with less than 30 feet. The steamer would be burdened with this tow unless some one in charge of that tow had the proper consideration to keep the tow out of the way, even though the tow has the right of way by law.

Mr. OAST. It is the law that the steamer should avoid collision with, a tug encumbered with a tow. Now you have stated that when you and one of your bar pilots go in port in a steam tug in charge of a Government licensed pilot that you are in charge of the tug and of the vessels in its tow?

Capt. SPENCER. No, sir.

Mr. OAST. I understood you to make that statement.

Capt. SPENCER. The pilot of the tug has charge of the tug. The pilot of the barge or barges govern their tow. That has always been the custom in our section.

Mr. OAST. You mean to say that the pilot in charge—the Government pilot in charge of the tug has only charge of the tug, and the State pilot has charge of the barges?

Capt. SPENCER. The State pilot has charge of the tow.

Mr. BRUCKNER. What do you mean by the tow? There is a captain on the tug, and on the first barge there is one of your State pilots?

Capt. SPENCER. Yes.

Mr. BRUCKNER. Does he control the captain of the tug?

Capt. SPENCER. Absolutely.

Mr. BRUCKNER. In other words, the captain of the tug takes his orders from the captain of the first barge?

Capt. SPENCER. I can make that plain to you. The captain of a tug, having been indorsed or qualified by the inspector, is a United States licensed man, and is supposed to go in and out of that harbor.

Mr. BRUCKNER. I mean this. Who has charge of that tow officially? Who is the man in charge of the expedition, the tug and the three barges? Is there a headman?

Capt. SPENCER. If there are three barges in tow, the pilots have an understanding that the man in the deepest barge shall command that tow.

Mr. BRUCKNER. Suppose his barge is in the rear?

Capt. SPENCER. That doesn't make any difference. The State pilots, who are thoroughly familiar with local conditions, know if they are meeting another vessel. As long as everything is clear, the towboat captain can take charge of it. It is only when meeting these other vessels that the steering is hard. We would not lose the price of a nickel cigar if we did not get pilotage fees from the Southern Transportation Co. What we want to do is to protect the shipping, and they all feel like that; they want to protect our deep canal. These canal boats do not amount to much to us.

Mr. OAST. You have not yet stated who is officially in charge of that tug. When a State pilot boards a tug in charge of a Government pilot, who is officially in charge of the tug?

Capt. SPENCER. When there is a Government licensed pilot on the tug?

Mr. OAST. Yes.

Capt. SPENCER. And he employs a State pilot?

Mr. OAST. No. You claim you go aboard for the sake of the tow, and that you are officially in charge.

Capt. SPENCER. We don't go on the tug but we go aboard the barge.

Mr. OAST. I see. Then when the tow wants you, you don't go on board the tug?

Capt. SPENCER. Not unless the tug wants to employ a pilot for his own navigation.

Mr. OAST. You never go on board a tug unless the tug employs you?

Capt. SPENCER. It has been done but the custom was bad and it has been discontinued.

Mr. OAST. Now assuming that the tug escorts you and you get on the boat and pilot it out. Who is really in charge of that vessel, you, the State pilot, or the Government licensed pilot? Who is the man who is responsible if it is run ashore? What will be done with the Government licensed pilot? Is he not responsible to the Government inspector?

Capt. SPENCER. Of course he is responsible, he holds his license.

Mr. OAST. Are you then in charge of his vessel?

Capt. SPENCER. He has requested the State pilot to go aboard to tow his vessel. Does he turn the vessel over to the State pilot or not?

Mr. OAST. You can speak on that practically. You say, Capt. Spencer, that you have been asked by a Government licensed pilot to go aboard?

Capt. SPENCER. Yes, sir.

Mr. OAST. Now I asked you who is responsible for the navigation of that vessel. Can you answer that?

Capt. SPENCER. Why certainly, the State pilot is responsible, because he is employed.

Mr. OAST. What is your authority for that statement.

Capt. SPENCER. Authority for what?

Mr. OAST. Can you refer us to any law to substantiate that statement?

Capt. SPENCER. The pilot would not go aboard if he did not have a United States license.

Mr. OAST. Then you can not perform any duty on that vessel at all except by virtue of a Government pilot license; is that right?

Capt. SPENCER. You mean on the tugboat?

Mr. OAST. Yes.

Capt. SPENCER. We are talking about the tug law?

Mr. OAST. Precisely. If you will be more brief—do you understand the question?

Capt. SPENCER. I don't think I understand what you mean.

Mr. OAST. Has a State pilot who is under a Government pilot's license any authority to navigate a steam tugboat on the waters, we will say, of the Savannah River?

Capt. SPENCER. According to the laws of the United States, he has not.

Mr. OAST. He has not?

Capt. SPENCER. No.

Mr. OAST. Then there is no authority for a State pilot, not having a Government pilot's license, to go on board any American steam vessel running coastwise?

Capt. SPENCER. He would not go aboard.

Mr. BRUCKNER. You never go aboard unless you are called, of a tug, I mean?

Capt. SPENCER. No.

Mr. OAST. And then none of you go on board who have not a Government pilot's license?

Capt. SPENCER. They all have got them.

Mr. OAST. So that while you are doing that business you are acting as a Government pilot?

Capt. SPENCER. Of that tug boat alone.

Mr. OAST. You said that there were signals for the tug to direct the steering of the vessels in tow, the barges?

Capt. SPENCER. Yes.

Mr. OAST. What are they? Give them—starboard?

Capt. SPENCER. For shearing one way or another?

Mr. OAST. Yes.

Capt. SPENCER. Blow one blast for port, two for starboard.

Mr. OAST. Have you ever blown any whistles on our barges?

Capt. SPENCER. We have never been aboard any of them. Possibly one. I think I brought the first one in.

Mr. OAST. Then there is no system of signals on these unrigged vessels of the type that the Southern Transportation Co. operates whereby you can give any steering direction to the tugs?

Capt. SPENCER. Unrigged and unequipped, that is proper.

Mr. OAST. There is no system of signals by which you can do that?

Capt. SPENCER. Not with a whistle; no. They haven't got any.

Mr. OAST. Is there any law requiring any?

Capt. SPENCER. I do not think there is any law regulating barges, so far as I know.

Mr. OAST. You are not aware that the steamboat law requires that these boats be inspected annually by steamboat inspectors?

Capt. SPENCER. Before I left for Washington I put that question to the United States Steamboat Inspector and he said there was no law covering these barges, Mr. Oast, the bargemasters themselves, though, of course, they could not say it to you, want restrictions for their own and their families' sakes.

Mr. BURKE. How much more of this questioning?

Mr. OAST. Only a few moments. It won't be long. If Capt. Spencer will be more brief in his answers.

Capt. SPENCER. I will when I understand you.

Mr. OAST. I want to state in connection with his observation that section 10 of the act approved May 8, 1908, printed and found on page 60 of the Gray Book, gives in full the law in which the barges are required to be annually inspected and supervised by the steamboat inspectors of the United States Government.

Now, Capt. Spencer, if you went upon one of the Southern Transportation Co.'s tugs, you could not give any direction as to how to steer?

Capt. SPENCER. No; not with a whistle; no, sir.

Mr. OAST. How else would you do it?

Capt. SPENCER. By hailing. The tugboat master in handling barges that are not equipped in any sense of the word so far as signaling is concerned—I don't think they carry a flag, do they—at any rate the tugboat masters have an understanding in our section that they will always be observant as to any signals that the pilot may make in navigating in and out of our harbor. If they have no whistles to make signals with, they would be on the alert to give any signals, port or starboard.

Mr. OAST. Have you ever seen a printed card or can you refer us to any authority that gives a system of signals whereby a pilot on a barge can direct the course of the tug ahead?

Capt. SPENCER. Yes; the Standard Oil Co. has a system of signals.

Mr. OAST. What are they?

Capt. SPENCER. They are too lengthy for me to remember. I have not seen one in three years.

Mr. OAST. I hand you a set of whistle signals which is printed by the Southern Transportation Co. for its tugs and barges.

Capt. SPENCER. Whistle signals, did you say?

Mr. OAST. I ask you if that is what you refer to as used by the Standard Oil Co.?

Capt. SPENCER. I won't make a statement whether it is or not. Possibly you copied it from the Standard Oil Co.

Mr. OAST. May we get this into the record?
(The list of signals follows:)

TUG WHISTLE SIGNALS.

Seven short.....	Attention signal.
One long.....	Port your helm.
Two long.....	Starboard your helm.
Three long.....	Let go tug's hawser.
Four long.....	Hold hawser, tug moving.
Three short.....	Steady after tow.
One long, one short.....	Pay out hawser.
One long, two short.....	Shorten up hawser.
One long, three short.....	Get under way.
One long, four short.....	Prepare to anchor head barge.
Two long, one short.....	Let go anchor head barge.
Two long, two short.....	Anchor barges separate.
Two long, three short.....	Let go and anchor stern barge.
Two long, four short.....	Your lights are out.
One long, one short, one long.....	Let go light barges.
One long, two short, one long.....	We are going to harbor.
One long, three short, one long.....	Don't understand you.
One long, four short, one long.....	I do understand.
Eight short.....	Danger signal.

BARGE SIGNALS.

To call tug, one white light displayed on pole or house.
Barge in distress: Nighttime, two white lights displayed on pole or house vertically; daytime, flag on pole or house, reversed side down.

Four blasts of the horn.....	We are leaking.
Five blasts of the horn.....	Take us to harbor.
One long, four short.....	I do not understand you.
One short, one long, one short.....	I understand you.

NOTICE.—Captains of barges must in all cases stand by their wheels when going into or out of any port, harbor, or places of difficult navigation.

SOUTHERN TRANSPORTATION Co.

Mr. OAST. There is nothing on that by which the vessel can be directed from stern to stern?

Capt. SPENCER. I understand they haven't any signal.

Mr. OAST. The tug signal.

Capt. SPENCER. I never heard of a barge directing the course of the tug.

Mr. OAST. I see now why you can't be more specific.

Capt. SPENCER. We are all learning something here.

Mr. OAST. How about the width of the Savannah River, the channel, its navigable water?

Capt. SPENCER. The dredged channel averages about 400 feet.

Mr. OAST. You said that it was more dangerous than the channel at Norfolk, I believe?

Capt. SPENCER. Never said anything of the kind.

Mr. OAST. I beg your pardon.

Capt. SPENCER. Yes, sir; I will gladly pardon you.

Mr. OAST. Your experience with the barge at Oronoco. It was merely a matter of salvage, wasn't it?

Capt. SPENCER. It was a humane act. It is one of the services that the pilots render and are trying to render to vessels in distress, and we do not get any fee for it.

Mr. OAST. Now, you have said that these barges are old and condemned hulks, such as those used by the Southern Transportation Co. Do you know of any barges of the Southern Transportation Co. that are old and condemned hulks?

Capt. SPENCER. The record does not show that I made such a statement. I said that there were old and condemned hulks being used up and down the coast. I meant that they were vessels not designed and unfitted to go to sea. The bargemasters themselves have stated that to me in my office.

Mr. OAST. Are you aware that the Government steamboat inspectors have a careful inspection in the faithful performance of their duties, and the men have formally certificated those barges to go outside up and down the ocean anywhere that any other barges can go? Are you aware of that?

Capt. SPENCER. I am not.

Mr. OAST. I judge not, or you would not have made that statement. You have referred us here to some letters written by several tug masters in which they say that State bar pilots are necessary on tugs, even though those tugs have Government licensed pilots. I believe that one of those letters was signed by a Mr. Van B. Avery.

Capt. SPENCER. It was; yes.

Mr. OAST. I am asking now for personal information. Is that gentleman, Mr. Van B. Avery, the gentleman that appeared with you and Mr. Adams, who was here yesterday before the committee on resolutions on the deeper Atlantic ways association, and so earnestly spoke in your behalf, not only as a citizen but as a great friend of the pilot? Is he not the same?

Capt. SPENCER. One and the same.

Mr. OAST. Now, I ask you are not these other tug masters who have signed these letters, are they not employed on tugs controlled by Capt. Avery?

Capt. SPENCER. Not all of them.

Mr. OAST. Which of them are?

Capt. SPENCER. I will have to look at them [examining paper]. Van B. Avery, not a tug master now. He is a towboat manager. Three of these men work on his tugs, and one of them is a harbor master and holds a tug master's license at the port of Savannah.

Mr. OAST. You have spoken of the dangers of this traffic, etc. Can you refer me to any accidents in which a vessel of the type operated by the Southern Transportation Co. has been lost at sea or any disasters to it?

Capt. SPENCER. I could not.

Mr. BURKE. Do you wish to ask any additional questions?

Capt. MICHEL. May I see the list of signals? Captain, do you understand that one long whistle means port?

Capt. SPENCER. Yes, sir.

Capt. MICHEL. Do you understand that two long whistles means starboard?

Capt. SPENCER. Yes, sir.

Capt. MICHEL. I ask these questions because it has been stated that all the barge has to do is to follow the tug. Now, when a State pilot is aboard those barges and you want the tug to starboard and port, if she has no signals, do you signalize by a motion of the arm?

Capt. SPENCER. Yes, sir; or in any way possible.

Capt. MICHEL. Are these barges here equipped with megaphones?

Capt. SPENCER. I have not piloted the Southern Transportation barges, Capt. Michel, and I would not be prepared to state.

Capt. MICHEL. On a well-kept barge wouldn't they be used in hailing a vessel?

Capt. SPENCER. Any well-equipped vessel should have a megaphone, and it should be used in giving signals.

Capt. MICHEL. That is all.

Mr. BURKE. We will take a recess until 10 o'clock the 23d of this month.

(Thereupon, at 1.30 p. m., the committee took a recess until 10 o'clock a. m., February 23.)

(The chairman submitted the following letter for consideration of the committee.)

PHILADELPHIA, February 8, 1916.

HON. J. W. ALEXANDER,

*Chairman Committee on Merchant Marine and Fisheries,
Washington, D. C.*

DEAR SIR: I had the honor of appearing before your committee on Tuesday of last week.

I do not need to tell you that the price of lumber is seriously affected by the costs of making delivery to market. If one can not get his lumber to market, he can not sell it. If the delivery freight increases, the amount the lumber nets at the mill is less than it otherwise would be. The serious advance in freight rates has prevented the mills from obtaining an advanced net return for their lumber at the mill that would be of great benefit to them.

It is to be regretted that barges meet with conditions south of Virginia, viz, Wilmington, Charleston, Savannah, etc., which are discouraging. They are obliged to pay for pilotage when pilotage services are not rendered and are unnecessary, and there are other charges.

Our coastwise schooners are disappearing. It does not seem to me that as many new vessels are built as are lost at sea, and at present so many have gone for off-shore trade that our lumber business is in a sad way for lack of transportation facilities. Certainly under these circumstances, we should do all we can to induce barge owners to remain in the coastwise trade in the carrying of lumber and other merchandise along the south Atlantic coast and possibly the gulf. It is a means of transportation which, if developed, will render us better service than the schooner so long used.

Along the northern part of our Atlantic coast, the barge men have been doing an immense business, i. e., from Massachusetts to Virginia, inclusive, and all this territory is free from the compulsory pilotage to these barges. Moreover, this north coast business is much more profitable at present than southern coast freighting. Nevertheless some of the bargemen have been continuing their service to lumbermen and merchants in other lines and giving up their opportunities to make big profits elsewhere. When they have proven themselves so loyal to our southern merchants, it does seem but reasonable that the compulsory pilotage charges to barges which are unjust and unfair should cease.

I have already stated that any charge that increases the freight rate reduces the amount that is netted to the mill. This, I believe, is the situation to-day. At other and more normal times, this cost will sometimes mean a loss to the merchant, at other times to the consumer. The increased cost of fertilizer will frequently be an extra burden upon the farmer. Mr. John W. Oast, jr., of Norfolk, Va., in his pamphlet entitled "The growth of barge traffic and some hindrances thereto," says the consumer will be the gainer. As that may be, such pilotage charges are wrong, a hindrance to the development of this barge trade, a detriment to every shipper.

Steamers will continue to ply along our coast. They run into every harbor without pilotage expense, and this makes it possible for steamers to do package and part cargo business. The barge business up to date is restricted practically to full cargo business. It is to be hoped that the development of this business will, however, make it possible to bring into existence competition with the steamers on package and part cargo trade, but this can never become possible if the barges are to be restricted to one port, as would be of necessity the case if these unjust pilotage charges be continued.

Yours, very truly,

EDWARD HENSON.

(The following parties have written Chairman J. W. Alexander, favoring H. R. 9678.)

W. T. Brown, Winston-Salem, N. C.
 Geo. H. Tucker, Memphis, Tenn.
 W. A. Cox, secretary chamber of commerce, Norfolk, Va.
 J. C. Adams, Montgomery, Ala.
 Horace A. Reeves, jr., 1420 Chestnut Street, Philadelphia, Pa.
 S. D. Crenshaw, vice president Virginia Carolina Chemical Co., Richmond, Va.
 W. B. Keene, manager Hilton Dodge Sales Co. (Inc.), 17 Battery Place, New York.
 M. S. Wright, secretary Henrico Lumber Co. (Inc.), Richmond, Va.
 J. T. Lynch, vice president Norfolk Coal & Ice Co., 225 Front Street, Norfolk, Va.
 J. M. Clark & Co., Norfolk, Va.
 W. H. Clark, vice president Henrico Lumber Co., Philadelphia, Pa.
 R. N. Sizer, president Robt. R. Sizer & Co., New York.
 Russel Bickford, manager H. M. Bickford Co., New York.
 G. Benson Ferebee, vice president Nottingham & Wrenn Co., Norfolk, Va.
 F. A. Furst, president Arundel Sand & Gravel Co., Baltimore, Md.
 Geo. R. Dilkes & Co., Philadelphia, Pa.
 Eugene W. Fry, treasurer Southern Transportation Co., Philadelphia, Pa.
 E. M. Fallon, traffic manager Coastwise Shipping & Lighterage Co., Baltimore, Md.
 Paul R. Weitzel, care of Weitzel Lumber Co., Philadelphia, Pa.
 Wm. Van Ostrom, president American Chemical & Mfg. Co., Norfolk, Va.
 E. T. Taylor, president Navassa Guano Co., Wilmington, N. C.
 W. W. Perkins, secretary American Fertilizing Co., Norfolk, Va.
 Whitney & Kemmerer, Philadelphia, Pa.
 Thomas Purse, secretary Savannah Board of Trade, Savannah, Ga.
 W. H. Wright, acting mayor, Savannah, Ga.
 E. G. Muse, Durham, N. C.
 Walter F. Hogan, cashier Germania Bank, Savannah, Ga.
 J. W. Hohenstein, assistant district manager Southern Cotton Oil Co., Savannah, Ga.
 R. S. Salas, president Standard Fuel Supply Co., Savannah, Ga.
 C. C. Chadbourn, vice president Chadbourn Lumber Co., Wilmington, N. C.
 Wm. H. Fritz & Co., Philadelphia, Pa.
 Thos. B. Hammer, president Hammer Lumber Co., Philadelphia, Pa.
 Francis M. Whittle, Jacksonville, Fla.
 Wm. L. Rice, president T. B. Rice & Sons, Philadelphia, Pa.
 Thos. E. Coale, president Thomas E. Coale Lumber Co., Philadelphia, Pa.
 Geo. W. Roper, president Virginia Sand & Gravel Co., Norfolk, Va.
 S. H. Malone, Shreveport, La.
 A. L. Hannah, Norfolk, Va.
 Geo. W. Duvall & Co., Norfolk, Va.
 A. M. Sharp, president Jessup & Moore Paper Co., Wilmington, Del.
 A. Shoaf, vice president Hilton Dodge Sales Co., Savannah, Ga.
 W. B. Roper, secretary North Carolina Pine Association, Norfolk, Va.
 McFarland Lumber Co., Philadelphia, Pa.
 Howard L. Neff, commission merchant, Philadelphia, Pa.
 Chamber of commerce, Wilmington, D. C.
 Jos. W. Janney, Philadelphia, Pa.
 A. M. Cooke, sales manager Jno. L. Roper Lumber Co., Norfolk, Va.
 Hastings Bros., Norfolk, Va.
 J. F. McGrath, vice president Charleston (S. C.) Min. & Mfg. Co., Richmond, Va.
 H. Hodgson, secretary Savannah Towing & Wrecking Co., Savannah, Ga.
 C. C. Wamig, Charleston, S. C.
 F. Binbridge, Charleston, S. C.
 J. M. Read, vice president Read Phosphate Co., Charleston, S. C.
 Jilsm M. Robulsus, Charleston, S. C.
 Jno. Cartwright, jr., president Marine Supply Co., Norfolk, Va.
 Wm. J. McCormack, Charleston, S. C.
 W. Hampton Logan, Charleston, S. C.
 John B. Boyd, Cuscowilla, Va.
 C. J. Beone, Montgomery, Ala.
 F. E. Waymer, secretary Yellow Pine Exchange, Jacksonville, Fla.
 W. E. Bernard, chairman legislative committee, National Board of Steam Navigation, New York, N. Y.
 J. Randall Williams, jr., chairman Lumbermen's Exchange, Philadelphia, Pa.

W. J. O'Brien, secretary Tidewater Portland Cement Co., Baltimore, Md.
John E. Lloyd, president Wm. M. Lloyd Co., Philadelphia, Pa.
M. V. B. Oliver, Norfolk, Va.
N. B. Sinclair, managing secretary Chamber of Commerce, Wilmington, Del.
S. W. Clarke, secretary Roanoke R. R. & Lumber Co., Norfolk, Va.
M. McKann & Co. (Inc.), Norfolk, Va.
Charleston Ore Co., New York, N. Y.
Brandon Lumber Co., St. Marys, Ga.
Yellow Pine Lumber Exchange, New York, N. Y.
B. Nicholl & Co., New York, N. Y.
Nichols Bros., lumber dealers, New York, N. Y.
Kirby Lumber Co., New York, N. Y.
Dare Lumber Co., Elizabeth City, N. C.
Foreman Blades Lumber Co., Elizabeth City, N. C.
Elington & Guy (Inc.), Richmond, Va.
H. Humphreys & Co., Camden, N. J.
Gress Manufacturing Co., New York, N. Y.
C. C. Coolbaugh & Son Co., Philadelphia, Pa.
Grater Bodey Co., Norristown, Pa.
Robert C. Lippincott, Philadelphia, Pa.
Charles M. Betts & Co., Philadelphia, Pa.
The Pine Lumber Co., Newbern, N. C.
Wistar, Underhill & Nixon, Philadelphia, Pa.
S. S. Keely & Sons, Philadelphia, Pa.
W. H. Lear, Philadelphia, Pa.
Russell Bickford, Glen Ridge, N. J.
E. P. Burton Lumber Co., Philadelphia, Pa.
Halsey Lumber Co., Charleston, S. C.
Louisiana Red Cypress Co., New Orleans, La.

EXEMPTING BARGES FROM COMPULSORY PILOTAGE.

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., Wednesday, February 23, 1916.

The committee met at 10 o'clock a. m., Hon. Joshua W. Alexander (chairman) presiding.

The CHAIRMAN. We will proceed with the hearing on H. R. 9678. I know we are all very glad to have our colleague, Mr. Gray of Alabama, here this morning. He was detained by sickness and only sworn in yesterday, and he is here for duty this morning, which is a very good sign that we are going to have some work out of him.

Mr. GRAY. I thank you, Mr. Chairman. I am very glad to be here.

The CHAIRMAN. Mr. Clark is also here, and he has asked as a courtesy to him that we will hear him very briefly. He is very busy with his own committee.

STATEMENT OF HON. FRANK CLARK, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA.

Mr. CLARK. I just desired permission, Mr. Chairman, to read a short letter which I will ask to have inserted in the hearings. This is a letter addressed to Capt. Harry Fozzard by the Cummer Lumber Co., one of the largest manufacturing concerns in the South. It is dated Jacksonville, Fla., February 19, 1916. [Reading:]

Capt. HARRY FOZZARD,
Jacksonville, Fla.

DEAR SIR: In reference to the matter of pilotage which we discussed to-day I will explain our position briefly as follows:

Under normal conditions we ship more tonnage export in foreign vessels than we do coastwise in schooners and barges, and as pilotage is necessary on these foreign bottoms we wish to see an adequate and competent pilotage system maintained, in order that we may receive the benefits on our foreign business. Some of our stockholders are interested in barges and schooners in the coastwise trade, but they feel that the time has not yet arrived for free pilotage on these from the port of Jacksonville, and that the coastwise fleet should contribute to the maintenance of the present pilots' organization until such time as the foreign shipments are normal and the volume of such business is sufficient to support an adequate system of pilotage. We agree with Mr. Oast that the consumer would be the gainer in free pilotage, as it is a charge which the vessel adds to its freight, and under normal conditions when vessels are competing keenly for business they would not add this pilotage charge if it did not exist, therefore the benefit would go to the consumer.

Briefly stated, this covers our position and we are opposed to the free-pilotage bill now before Congress.

Very truly,

W. G. CUMMER.

I want to add that it is a well-known fact that the bars in our Southern ports, particularly in Florida, are constantly changing, and the channel is constantly changing, due to the shifting of the sands, and we do not get enough foreign ships to maintain the pilotage system; and if the pilots are not to be required in the cases of these barges and other coastwise vessels, it simply means the abandonment of any pilotage system at all at these ports.

That is all I desire to say now.

The CHAIRMAN. This hearing to-day was set especially to accommodate parties from New Orleans who might care to be heard. Capt. Michell, who will you have heard first?

FURTHER STATEMENT OF CAPT. BEN MICHELL, OF NEW ORLEANS, LA., PRESIDENT OF THE AMERICAN PILOTS' ASSOCIATION.

Capt. MICHELL. Mr. Chairman and gentlemen of the committee, before beginning my statement, I wish to correct some misstatements which were made at the last hearing by Capt. Igee, of Charleston, relative to the number of towboats that he stated took pilots. He made the statement from memory, and now he sends a complete list, and also a statement of the net earnings for 1915.

The CHAIRMAN. You want to put that in the record?

Capt. MICHELL. Yes, sir.

(The papers referred to are as follows:)

List of tugs piloted from August 28, 1915, to December 13, 1915: August 28, tug *Tormentor*; September 6, tug *Tormentor* out; September 14, tug *Panamerican* in; September 14, tug *Panamerican* out; September 22, tug *Underwriter* in; September 27, tug *Underwriter* out; September 28, tug *C. W. Morse* in; September 28, tug *Wilmont* in; September 28, tug *C. W. Morse* out; September 28, tug *Wilmont* out; October 3, tug *Panamerican* in; October 5, tug *Panamerican* out; October 20, tug *Panamerican* in; October 22, tug *Panamerican* out; October 21, tug *Henrico* in, S. T. Co.; October 23, tug *Virginian* in, S. T. Co.; October 24, tug *Virginian* out, S. T. Co.; October 29, tug *Virginian* in, S. T. Co.; October 29, tug *Underwriter* in; October 30, tug *Underwriter* out; November 8, tug *Panamerican* in; November 10, tug *Henrico* in, S. T. Co.; November 10, tug *Panamerican* out; November 16, tug *Underwriter* in; November 16, tug *Underwriter* out; November 23, tug *Henrico* in, S. T. Co.; December 12, tug *Bucheneer* in; December 13, tug *Bucheneer* out.

Receipts and disbursements year 1915—Charleston pilots.

Pilotage receipts	\$40,160
Boats and office expenses.....	\$9,500
Pensions, old pilots per agreement with commissioners.....	1,800
Spent on floating property and destroyed since cyclone 1911:	
Boat lost.....	\$6,000
New pilot boat.....	19,500
Auxiliary boat.....	3,500
Flat.....	300
During 4½ years.....	29,300
Proportioned for 1915.....	6,500
	17,800
	22,360
Five per cent depreciation on \$24,300 (cost floating property).....	1,215
	21,145
For 15 pilots.....	
Per pilot.....	1,409
Uninsured.....	14,300

COMMISSIONERS OF PILOTAGE,
Charleston, S. C., February 17, 1916.

Capt. J. J. IGOE,
President Pilots' Association, Charleston, S. C.

MY DEAR CAPT. IGOE: Replying to your inquiry as to my statement before the hearing of the directors of the Charleston Chamber of Commerce, would say that according to my recollection I stated that my opinion was that the pilots received an annual income of from fifteen to eighteen hundred dollars.

Since the meeting alluded to I have personally from inspection of the books of your association made out a statement, which I presented to the board of harbor commissioners for their records, showing receipts and disbursements for the year 1915.

I inclose a copy of the statement herewith showing that the income per pilot last year was \$1,409. I remain,

Yours, very truly,

HENRY P. WILLIAMS,
Chairman Board of Commissioners of Pilotage.

FEARLESS PILOTS.

THE NEWS AND COURIER,
September 27, 1907.

To the EDITOR OF THE NEWS AND COURIER:

I beg space for a few lines in the columns of your widely circulated paper regarding the meritorious act and skillful management of Charleston pilots in working their able craft to windward for the purpose of giving me a pilot on the morning of 23d against a gale of about 40 miles per hour, with a high, angry sea. It does one good to know that there are yet some brave men in the United States pilotage. The risk Pilot T. F. Igoe took in jumping into a little, light boat, with two other men, and boarding my steamer under such circumstances, and later conducting us safely to port is, to my thinking, worthy of mention, and in my experience, now as ever, the bravery of the Charleston pilots, coupled with their efficiency, is above question. I am, sir,

- Truly, yours,

A. J. MULCAHY,
Master S. S. "Eretria."

STATE OF SOUTH CAROLINA,
County and city of Charleston:

I, Alfred Maxwell, of Charleston, in the State aforesaid, a notary public, duly commissioned and sworn, do hereby certify that the foregoing is a true and correct copy of the original letter signed by the said A. J. Mulcahy, master S. S. *Eretria*, and now in the possession of the Charleston Pilots' Association.

In witness whereof I have hereunto subscribed my name and affixed my notarial seal at the city of Charleston this 18th day of February, A. D. 1916.

[SEAL.]

ALFRED MAXWELL,
Notary Public of South Carolina.

CHARLESTON, September 26.

Capt. MICHELL (continuing). I also wish to state that I made a statement relative to the pilotage extending to Beaufort Inlet in North Carolina. I stated that the pilots knew nothing of the passage of that bill. I meant that the pilots of Wilmington or Cape Fear knew nothing of it, and I based that statement upon the information received from Capt. J. J. Igoe.

In regard to the sailing vessels and other vessels coming into the harbors during a storm, and especially sailing vessels running into the harbor for the purpose of avoiding pilotage, that is a mistake. The vessels in a storm usually remain offshore. It is unsafe to go in the harbors during a storm, because, especially with a sailing vessel, she swings around with the sea, and would not make the harbor with safety unless she was so close on the lee shore that she had to do it to save the vessel.

I also wish to show here some pictures. The Southern Pacific, as it has been stated, takes pilots on account of the conditions existing at the mouth of the Mississippi River. One of them arrived off the passes in a storm and remained off the passes for nearly two days waiting for a pilot, because the pilot boat was unable to go to sea. Here is a picture taken at the entrance to the Passes at New Orleans of the aft end of the steamer, taken from the forward end by a gentleman who had a kodak, and he was taking them for pleasure. These pictures were given to me, and I brought them here to show the conditions [exhibiting photograph].

The CHAIRMAN. What do you wish to show by this picture?

Capt. MICHELL. I want to show that it requires training by local pilots to board these ships and to go out into such a sea, and it requires staunch pilot boats to go out into such weather.

Here is another picture of the pilot coming to her. This was in the storm of September 9, 1909, and here is the boat turning around and going to the ship. [Exhibiting photographs.] Here is the boat that takes the pilot from the pilot boat to the ship. The pilot must get in that boat and the pilot and boatman must be experts to handle the boat. [Exhibiting photograph.] Here is the little boat going to the ship. That is the pilot boat *Underwriter*. That is the boat that led the fleet into Santiago during the Spanish-American War. She was chartered by the Government. [Exhibiting photograph.]

I also wish to show the soundings taken at the mouth of the river, at the entrance to South Pass. It shows here a mud lump directly in front of the entrance. [Exhibiting chart.] The channel was straight in at one time; it has been changed and now heads in this way [indicating], so that you can see that a vessel must make a short turn here. And with a rope across her quarter she would be unable to do so. These soundings can only be taken by a pilot having the equipment for that purpose. These soundings were taken by the United States Government engineers in charge of Port Eads. We also take soundings whenever it is possible to do so.

Here are some soundings for South Pass, into the Pass, and for the mouth of the Southwest Pass. I would like to leave these with the committee, so that they may go over them. These were not intended for the committee, but were sent up here to me. [Exhibiting charts.]

Here is a chart showing the entrance to the river [exhibiting chart].

The CHAIRMAN. I would suggest when you refer to those that you mark them as exhibits, so that we can identify them when we read the record, should we care to consult those charts.

Capt. MICHELL. I will mark this "Exhibit A."

The CHAIRMAN. These soundings you offer as Exhibit A?

Capt. MICHELL. Yes, sir. I will mark these blue prints "Exhibit B." The photographs, if the committee would like to keep them, I will leave here.

These are soundings taken at the Head of the Passes and the entrance to the river [exhibiting blue prints]. You see that right in the center of the river there was a shoal which was $2\frac{1}{2}$ miles long, and that moved down the center of the river about 150 feet a day. And there are soundings right in the center from 21 feet to 27 feet, whereas on each side of it there is ample water for vessels. It is necessary

to make these soundings in order to know exactly where these channels are and we, together with the Government engineers, put up the ranges so that we can steer in those channels.

Here is another one showing that there is 17 feet in the center of the river with the channel on either side of it, and the dotted mark here indicates the sand waves.

Here is another chart, since that time, with the channel right in the center, where we had 17 feet before and where we have 32 feet shown on this chart.

Mr. ROWE. How long was the channel in making that change?

Capt. MICHELL. This is August 27, 1915. That was in 1915. I happen to have the charts here. Here is the latest blue print that we have which shows ample water right down the center, some 30 feet [exhibiting chart].

In order to show that it is necessary to have an equipment to make these soundings and that nobody but local pilots could have made them, this boat was built especially for that purpose, also for carrying the pilot from one station to another, and it cost us, delivered at New Orleans, \$17,000. It is one of the four boats that we have. [Exhibiting photograph.]

The CHAIRMAN. That is exhibit what?

Capt. MICHELL. Exhibit C. As I stated at the last hearing, there is sometimes a difference in the soundings given by the pilots and by the Government engineers, because sometimes it takes a week or 10 days to get these blue prints out, and the channel may have changed in a day. We appealed to the Engineer Department to place a Government engineer on our boats to take daily soundings with us in the interest of shipping, so that there would be no dispute as to the loaded draft for the vessels, and here is a letter with reference to that.

Capt. SPENCER (reading):

JULY 15, 1912.

Lieut. Col. LANSING H. BEACH,

Corps of Engineers, United States Army, New Orleans, La.

DEAR SIR: I wish to respectfully state that as the conditions at Southwest Pass will be normal about the last of this month, I do not think it will be necessary to continue the detail of your engineer longer than that time.

Thanking you for your assistance and cooperation in behalf of the shipping interests and the pilots, I am,

Yours, very truly,

B. MICHELL, *Superintendent.*

Capt. MICHELL. This letter will show that we tried to avoid friction and disputes as to the soundings taken by the Government engineers and the pilots. Col. Beach requested that I give him the soundings. This was my reply to his letter.

Capt. SPENCER (reading):

ASSOCIATED BRANCH PILOTS,
New Orleans, April 21, 1912.

Lieut. Col. LANSING H. BEACH,

Corps of Engineers, United States Army, New Orleans, La.

DEAR SIR: In reply to your letter of the 18th instant, relative to the telephoning of the depths of water in the Passes of the Mississippi River available for vessels, I have to state that we do not give the depths of water in the channels by phone to the different ship agents. We do, however, telephone from time to time to the maritime branch of the board of trade advising them what in our opinion is the safe loading draft for outward bound vessels. We have avoided

giving depths in the channels in order that there would be no mistakes or differences of opinion between your department and our association.

When we find any material shoaling in the channels the fact is usually made known to your assistants in charge.

We will with pleasure furnish you with the same information as to the loading draft of vessels that we give the maritime branch of the board of trade. The present loading draft is 27 feet aft and 26 feet forward.

I wish to thank you for the use of the ways at Port Eads, also for the kind permission given to drive the clusters of piles at Southwest Pass.

Very respectfully,

B. MICHELL.

Capt. MICHELL. That would show, gentlemen, that we cooperate with the Government engineers, and that it is necessary. I wish to show here, from the last issue of the Geodetic Survey, about these lights above the Head of the Passes; above these shoals.

Capt. SPENCER (reading):

The lights on the banks of the Mississippi River above the Head of the Passes are omitted on account of frequent changes.

Capt. MICHELL. This is a record of the lights made.

Capt. SPENCER (reading):

From the ends of the jetties to the Head of the Passes the distance is $11\frac{1}{2}$ miles and the least width between banks is about 500 feet. The depth of water just outside the entrance is continually changing and "mud lumps" forming, but a depth of over 10 fathoms can be taken within $1\frac{1}{2}$ miles of the ends of the jetties with the lighthouse on the east jetty bearing anywhere between NE. and SW. through N. and W. The deepest draft of vessels taken through South Pass is $28\frac{1}{2}$ feet; all sailing vessels require the assistance of a towboat for entering. Only the most violent gales prevent vessels from entering when a pilot is on board, but it is not safe for a stranger at attempt to enter when the sea is breaking outside the jetties.

Southwest Pass, the westernmost of the Passes, is marked by Southwest Pass Lighthouse. This Pass is being improved by the construction of jetties and by dredging; it is proposed to obtain a channel 1,000 feet wide and 35 feet deep into this Pass. In July, 1907, the jetties extended to the crest of the bar and a narrow channel with a depth of 20 feet had been dredged. Two ranges used by the United States engineers in the dredging operations led in the best water into the Pass, but it is not advisable for strangers to attempt to enter without a pilot. The construction settlement (post office named Burrwood), on the east bank of the Pass opposite Southwest Pass Lighthouse, has a wireless-telegraph station and displays storm warnings.

Mr. BYRNES. What is that from which you are reading?

Capt. SPENCER. The United States Coast Pilot, Atlantic Coast; Gulf.

Mr. BYRNES. Issued by whom?

Capt. SPENCER. The Coast and Geodetic Survey, Department of Commerce. [Reading:]

There are two kinds—bar pilots and river pilots. The bar pilots are always on the lookout and will come out from between the jetties in a steam pilot boat to board an approaching vessel as soon as sighted. The river pilot is taken on board at the Head of the Passes, where the bar pilot leaves the vessel. The rates for river pilotage are \$15 or \$25 each way and do not depend on the draft of the vessel. Pilotage is compulsory for vessels entering the Passes, but not for the river if a United States licensed pilot is on board. (See pilot laws and rates, Appendix I.)

Towboats are used by all sailing vessels entering South Pass. The steam pilot boat will usually be found cruising outside or will come out from the jetties on sighting an approaching vessel and will tow her in to the anchorage in South Pass. Towboats can always be had at New Orleans.

Mr. SMALL. Captain, under the State law of Louisiana, pilotage on the river from the Pass up to New Orleans and above is optional, is it not?

Capt. MICHELL. Not now, sir. Due to the many accidents on the river the shipping interests insisted on creating a State river-pilotage system, which I explained the other day.

Mr. SMALL. Is not the taking of a State pilot on the river above the Passes optional under the State law?

Capt. MICHELL. For coastwise vessels, yes.

Mr. SMALL. We are referring to coastwise vessels only in this hearing.

Capt. MICHELL. Yes.

Mr. DUPRÉ. Had you reference to the act of the State of Louisiana of 1908 creating a board of river pilots' commission, etc.?

Capt. MICHELL. Yes.

Capt. SPENCER (reading):

General remarks, approaching the Passes and entering South Pass.

Vessels approaching the Passes of the Mississippi River are cautioned with regard to the currents which are liable to set them off their course. No definite information can be given as to direction and velocity of these currents; during or after a period of easterly winds a set westward may be expected, and during or after a period of westerly winds an easterly set is very probable; the distance to which these currents extend off the Passes is also uncertain, and with the closest navigation the navigator can not be sure of his landfall. A sharp lookout must be kept and the lead be used frequently, especially in hazy or thick weather; it is no uncommon occurrence for a vessel headed for South Pass to find herself off Pass a Loutre or off Southwest Pass. Some idea of velocity of the currents may be obtained from the fact that in the summer of 1907, during the prevailing light southerly winds, a NE. set with a velocity of $2\frac{1}{2}$ miles an hour was observed 12 miles SE. of South Pass light vessel, at the same time an easterly set of $\frac{1}{2}$ mile was noticed at the light vessel.

Capt. MICHELL. Now, gentlemen, I wish to call your attention to a general chart issued to navigators on the largest possible scale [exhibiting scale]. The red mark here will indicate how a vessel must come into the entrance to the South Pass. The length of that Pass from one end to the other is $12\frac{1}{2}$ miles long, and soundings are taken there continuously on account of constant changes. Also here at the Head of the Pass, and here is Southwest Pass. This is in the river here where we had 17 feet.

The CHAIRMAN. You said that is Southwest Pass. What do you mean; that the Pass is shown on that?

Capt. MICHELL. The South Pass and the Southwest Pass.

The CHAIRMAN. Are both shown on that plat?

Capt. MICHELL. Yes, sir.

The CHAIRMAN. The plat referred to is marked "Exhibit what"?

Capt. MICHELL. Exhibit D. At the Head of the Passes this chart shows 62 feet, where the blue print shows 17 feet, on one occasion. And it is now 32 feet there. I wish to say, gentlemen, that soundings of this kind are taken by the pilots in every port in the United States and are required in order that the local pilots may be familiar with the conditions.

The CHAIRMAN. When was that chart prepared?

Capt. SPENCER. February 12, 1914.

Mr. SMALL. Is not that a chart published and issued by the United States Coast and Geodetic Survey?

Capt. MICHELL. Yes, sir. Here is a letter from the captain on that Southern Pacific.

The CHAIRMAN. The Southern Pacific Railway Co.?

Capt. MICHELL. No; this is a letter from the captain of that steamship.

The CHAIRMAN. Of the Southern Pacific Steamship Co.?

Capt. SPENCER. (Reading:)

ON BOARD STEAMSHIP "ANTILLES,"
New Orleans, September 22, 1909.

Capt. MICHELL.

DEAR SIR: I am giving Capt. Withey, superintendent of Southern Pacific wharf, \$56.50 donated by passengers on this ship, to be given by you to Ed Wright, who rowed Capt. Blasland to this ship on September 20; also a letter from Gen. Avery. I think if it goes to him through you it will be best.

Please acknowledge receipt of this letter and cash.

Yours, truly,

JOHN BURNS.

Capt. MICHELL. He was master of the ship.

The CHAIRMAN. For what purpose did you offer that letter? To show that these vessels which are now exempted under the coastwise laws avail themselves of the pilots?

Capt. MICHELL. Yes; that they appreciate the service rendered, especially by this young man who volunteered to go in the boat.

I have a telegram here from the board of commissioners of the port of New Orleans.

Mr. BYRNES. Was that a voluntary contribution in addition to the pilotage charges?

Capt. MICHELL. Yes, sir, from the passengers.

Mr. BYRNES. That is what the chairman was asking you.

Capt. MICHELL. I did not catch the question.

Mr. SMALL. That is a contribution from the passengers and not from the steamship company?

Capt. MICHELL. Yes, sir; a contribution from the passengers.

Capt. SPENCER. This telegram reads:

NEW ORLEANS, LA., February 3, 1916.

Capt. BEN MICHELL,
31 B Street NW., Washington, D. C.:

The board deprecates any legislation that will in any manner increase the dangers of navigation of the Passes, and sincerely trust that no adverse legislation will be passed.

BOARD OF COMMISSIONERS PORT OF NEW ORLEANS.

The CHAIRMAN. Who compose that board?

Capt. MICHELL. That will be more fully explained, I think, by Mr. Sanders.

Here is a letter from a pilot of Savannah that I would like to have inserted in the hearings, Mr. Chairman.

The CHAIRMAN. Read it.

Capt. SPENCER (reading):

SAVANNAH, GA., February 12, 1916.

This is to certify, I, C. G. Fleetwood, boarded the the barge *Tampa* off Tybee bar on the 7th instant, and while towing into Tybee Roads astern of the ship *Sonvig* (Norwegian) an attempt was made by the tug *Paulsen* to detach the barge *Tampa* (of which I was pilot) from the ship ahead and in so doing the hawser became entangled in the tug's wheel. Realizing the tug's danger I immediately sheered the barge clear of the tug and ordered the master of the barge to stand by the anchor as it was my intention to sheer clear of the main

channel and out of the path of passing vessels before anchoring. The master of the barge objected to anchoring as he stated that he did not carry crew enough to get his anchor again and he further stated that his owners (Southern Transportation Co.) had issued orders for their barges not to anchor at sea. I then advised him that he had to anchor or his barge would go ashore in the breakers and be lost. He then let his anchor go as directed by myself. Had there been no local pilot on board this barge for the purpose of safeguarding life and property she would probably have been lost with her cargo, for the master, through ignorance of local conditions, would have carried out the orders issued by the Southern Transportation Co. forbidding him to anchor at sea.

C. G. FLEETWOOD,
Savannah Bar Pilot.

Mr. SMALL. That is not a statement from the master of the barge?

Capt. SPENCER. From the pilots.

Mr. SMALL. From one of your pilots?

Capt. SPENCER. Yes, sir.

Mr. SMALL. And what is the name of the barge referred to?

Capt. SPENCER. The *Tampa*.

Mr. SMALL. And what is the date referred to?

Capt. SPENCER. February 7.

The CHAIRMAN. Of this year?

Capt. SPENCER. Of this year; this month.

Mr. SMALL. What did you say was the name of the master of the barge?

Capt. SPENCER. It did not give the name; it just alluded to him as the master of the barge *Tampa*.

Mr. SMALL. Can you give his name?

Capt. SPENCER. I can not. This is a statement from the barge *Tampa*. Mr. Fry can give his name.

Capt. MICHELL. Here is a chart of the entrance to Savannah Harbor [exhibiting chart].

Capt. SPENCER. This is a Coast and Geodetic chart with a caution to the entrance to the Savannah Harbor, that the channel of the Savannah River from the sea to the city is liable to change, and strangers should take a pilot. It is a Government chart.

Mr. SMALL. What port were you referring to there?

Capt. SPENCER. Savannah, Ga.

Mr. SMALL. That referred to strangers, I believe, did it not?

Capt. SPENCER. To strangers. For instance, that barge master being a stranger on the Beaufort River.

Mr. SMALL. It had no reference to a Government licensed pilot, I believe?

Capt. MICHELL. A Government licensed pilot, with a license issued for five years, if he entered the ports once and then did not enter it again for three or four or five years would be a stranger.

Mr. BYRNES. He would be very much of a stranger.

Mr. SMALL. It is a contingency which might not happen and an inference that may not be justified.

Mr. BYRNES. On the other hand, Captain, it is a contingency that does happen and might be justified, too?

Capt. MICHELL. These steamships that are exempted from pilotage at the port of New Orleans make, sometimes, three or four trips a month in and out over the bar, and they are considered strangers. If I went back there to pilot a vessel now I would be a stranger.

Mr. SMALL. Mr. Chairman, I object to any witness defining the term "stranger." We all know what a stranger is.

The CHAIRMAN. I do not see why he should not be permitted to make that statement. There seems to be a divergence of view that may go into the record.

Mr. SMALL. That is a matter of argument, of course.

Capt. SPENCER. This is a statement of Capt. Ben Michell, president of the American Pilots' Association [reading]:

New Orleans can not afford to take chances with its deep-water channels. Commerce will desert shoal-water ports as railroads will discriminate. Eternal vigilance and untiring energy are the only safeguards to the import and export commerce of New Orleans.

The most serious mistake that can possibly be made is to disturb or change the pilot laws of Louisiana or lower the standard of requirement necessary to permit their appointment. The pilot laws of the State only require that a branch pilot shall be owner or part owner of a decked boat of not less than 50 tons burden.

In order to meet the changed conditions in the channels and construction of vessels, the pilots were compelled to dispose of their fleet of sailing vessels at a heavy loss and equip themselves with powerful steamboats.

The pilot boats are the only steam tugs available at the Passes in cases of accidents to vessels. Immediate assistance is frequently vitally necessary to prevent injury to channels or vessels.

That a calamity has not occurred in these long channels at the mouth of the Mississippi River is due to the severe drill, experience, skill, and constant watchfulness of the pilots, coupled with their prompt assistance rendered by their powerful steamboats.

The large fleet of tugs that were formerly maintained by the steamboat companies at the mouth of the Passes, have long since been withdrawn for want of support and patronage.

No better method could be devised to secure competent material for pilots than is provided by the State of Louisiana, for the reason that employees, as well as pilots, are required to have special training for their work. The nerve and skill necessary to maneuver the dangerous details of boarding vessels in all kinds of weather, in a manner at all safe to the pilot or crew, can only be acquired by long experience. A pilot must have actual experience to handle and navigate vessels of all kinds, whether steam, sail, or tows.

A pilot at the mouth of the Mississippi River must have special training and experience in piloting vessels through mud, shoal water, narrow, and intricate channels.

Pilotage charges, against which so much objection has been raised, have remained unchanged during the past 40 years. Commerce and conditions of shipping have been thoroughly revolutionized within that period. That commerce does not contribute one-tenth to pilotage per ton of cargo carried as formerly, while the labor and time involved in the pilotage of any one vessel has been increased in about the same proportion as actual pilotage charges have been reduced in ratio per ton of cargo borne by modern vessels.

These facts, taken into consideration in conjunction with the perfect equipment maintained by the pilots at heavy expense, and their efficient service, as is attested by the several commercial bodies of New Orleans, and the increased cost of living, clearly indicate that pilotage charges should be increased to an amount commensurate with their skill, ability, and valuable aid to commerce.

The boarding of vessels and piloting them through the Passes is attended with so many difficulties, delays, and annoying circumstances generally that a person would have to possess a knowledge gained from personal observation to fully appreciate the status of affairs.

Opportunity for such an investigation and observation by responsible parties is at all times made available by the pilots.

It is amazing to believe that some of the demands made by the Southern Transportation Co. were ever intended to be taken seriously, as they show an unpardonable ignorance of the pilotage laws and the conditions at many of the ports of the country, and especially at the port of New Orleans.

It has been suggested that it should be optional with coastwise vessels of all classes to employ pilots. Such a privilege at the mouth of the Mississippi River would be tantamount to require all other shipping to tie up until the stranger

passes through or strand in or out of the channel. If in the channel, all other vessels would be delayed, and the channel changed by the deflection of the current caused by the grounded vessel. No one with proper knowledge would suggest that such privileges be given to strangers, especially when it is known that the Southern Pacific steamers, with a draft from 6 feet to 30 feet, have been employing local pilots for the past half of century, notwithstanding that their masters holding Government pilot licenses take on State pilots.

If it happens that a pilot is not on hand when they arrive off the Passes, they wait outside until they are able to get one.

The Standard Oil Co., the Duffey Oil Co., and Texas Oil Co. also employ local pilots whether in the foreign or coastwise trade, both on their steamers and barges.

It has been stated by the other side that the southern ports are losing their shipping trade because of compulsory pilotage. This statement is not borne out by facts. New Orleans is the second port in the United States, and the pilotage laws of Louisiana are the most exacting in the United States.

Inquiries have been made as to the advantage of steam vessels over that of sail vessels and barges. The same comparison can be made between steam vessels and sailing vessels navigating in narrow channels, as the maneuvering of a steam battleship and a sailing battleship.

Barges and especially those without masts add perils to other vessels when navigating the high seas.

In foggy weather sailing vessels with lofty masts are less dangerous than barges. The spars can often be seen over the fog, while barges without spars and with little more than a foot of freeboard can not be seen except in very close proximity.

The bar pilots at the port of New Orleans suffered financial loss by a reduction of 50 cents per foot in their pilotage rates, and subsequently had to increase their sea-going steam-pilot boats from two to four, which was made necessary by the opening of the Southwest Pass, making two channel entrances to the port of New Orleans 21 miles apart, thus making the expense to the pilots of that port double that of any other port.

The passage of this bill would naturally discourage ambition and remove every incentive to continue increasing efficiency.

The pretense that lessening the cost of navigation of their barges by robbing laborers of their hire will attract a barge merchant marine for the good of the country is an insult to common intelligence.

It has been advocated by eminent men that the American merchant marine should be composed of such vessels as could be converted into auxiliary war vessels. These barges would not be likely to win the admiration of the people of this country, nor the respect of foreign nations.

Mr. SMALL. By whom is that signed?

Capt. SPENCER. That is Capt. Michell's statement.

Mr. SMALL. Your remarks, which have just been read, had reference to the port of New Orleans, as I understand?

Capt. MICHELL. And to any other port in a like condition.

Mr. SMALL. To any other port to which they apply?

Capt. MICHELL. Yes. I wish to say, gentlemen, in concluding, that the pilots of this country are asking no sympathy and no charity, but are simply asking justice for their States and for themselves.

Mr. SMALL. Now, Mr. Chairman, when the committee adjourned on the evening of the 8th, Capt. Michell, as I supposed, had concluded his statement and I wished to ask him a few questions, but could not be here the following morning. He has gone ahead this morning and I would like to ask him some questions now.

The CHAIRMAN. Very well, if there is no objection.

Mr. SMALL. Captain, the South Pass is the Pass which has been most recently completed to the mouth of the Mississippi River, is it not?

Capt. MICHELL. No, sir.

Mr. SMALL. Which one of the Passes?

Capt. MICHELL. The Southwest Pass.

Mr. SMALL. The Southwest Pass is the most recently completed one?

Capt. MICHELL. Yes.

Mr. SMALL. Which one is the straighter of the two?

Capt. MICHELL. It is according to the conditions of the channel. Most always the Southwest Pass is the straighter of the two.

Mr. SMALL. That is the more recent one?

Capt. MICHELL. Yes, sir.

Mr. SMALL. You are the president of the American Pilots' Association? Have I the name right?

Capt. MICHELL. Yes, sir.

Mr. SMALL. That association is composed of local pilotage associations at many ports, is it not?

Capt. MICHELL. Yes, sir.

Mr. SMALL. Is it composed of local pilotage associations on both the Atlantic and Pacific and Gulf ports?

Capt. MICHELL. Yes, sir.

Mr. SMALL. Does it include the Great Lakes?

Capt. MICHELL. No, sir.

Mr. SMALL. Beginning in Maine, will you name the local pilotage associations coming down to Cape Henry, which belong to your association?

Capt. MICHELL. The North Carolina pilots do not belong to our association.

Mr. SMALL. I say beginning with Maine, if you please, and running down.

Capt. MICHELL. Those I can give you from memory are New York, Boston, Philadelphia, Maryland, Norfolk.

Mr. SMALL. Now, running down from that—Norfolk?

Capt. MICHELL. Georgia, South Carolina—

Mr. SMALL. There is more than one port in Georgia.

Capt. MICHELL. The ports. It includes all of the ports.

Mr. RODENBERG. You have a separate State association that takes in all of the ports?

Capt. MICHELL. Yes, sir. Georgia, South, Carolina, Alabama, Florida, Mississippi, Louisiana, Texas, and San Francisco.

Mr. CURRY. You referred to Georgia. Is there an association of pilots at Brunswick, and do they belong to the American Pilots' Association?

Mr. MICHELL. I am not certain; I believe they do.

Mr. SMALL. In South Carolina is there an association at Beaufort?

Capt. MICHELL. I do not know anything about those pilots.

Mr. SMALL. Do they belong to your association?

Capt. MICHELL. I do not think they do.

Mr. SMALL. Winyah Bay, or Georgetown; is there an association there which belongs to your association?

Capt. MICHELL. No, sir. There are a number of ports that are unable to pay the dues, notwithstanding they are only \$2 a month.

Mr. SMALL. If you will pardon me, I asked you to particularize, and you gave your statement.

Is there a local association at Fernandina?

Capt. MICHELL. Yes, sir.

Mr. SMALL. And do they belong to your association?

Capt. MICHELL. Yes; the different ports of that State have what they call a State organization, and they send delegates. It represents the whole of Florida.

Mr. SMALL. It represents the whole of Florida. Now, beginning with Maine, on the North Atlantic coast, and running south to Virginia, and including Virginia, none of those States impose any compulsory pilotage on any form of coastwise shipping, do they?

Capt. MICHELL. I believe not. I think the conditions there—

Mr. SMALL. I am not asking you about the conditions; I am just asking you about the facts.

Mr. RODENBERG. I insist that he should be allowed to give a complete answer, in justice to himself.

The CHAIRMAN. If he wishes to make a complete answer, it is entirely proper.

Mr. RODENBERG. Certainly.

Capt. MICHELL. The conditions there are such that the States thought it proper to exempt coastwise vessels and have done so.

Mr. SMALL. It is self-evident they had a reason for it.

Capt. MICHELL. Yes; and it is different in those other ports.

Mr. SMALL. Then, North Carolina, South Carolina, and Florida are the only Southern States which impose compulsory pilotage on coastwise shipping?

Capt. MICHELL. Did you mention Texas?

Mr. SMALL. That is not a seaboard State.

Capt. MICHELL. No, sir. I believe that is correct; yes, sir.

Mr. SMALL. And on the Gulf the States of Mississippi and Louisiana?

Capt. MICHELL. And Texas.

Mr. SMALL. And Texas, too; do they?

Capt. MICHELL. Yes, sir.

Mr. GREENE. Alabama?

Capt. MICHELL. No, sir. It has exempted coastwise sailing vessels.

Mr. SMALL. At Galveston, in Texas, they do not enforce the law of compulsory pilotage on coastwise shipping, do they?

Capt. MICHELL. No; they do not when the vessel is in tow of a local towboat, I believe. They have compulsory pilotage there, on account of the changes that may occur at the mouth of the channel, due to a sandy bottom there, and sometimes it fills up. In such a case they would enforce the compulsory-pilotage feature to protect the channel.

Mr. SMALL. I believe, as a matter of fact, that they are not enforcing it now at Galveston?

Capt. MICHELL. The letter that I received from there stated that if they refused to take a pilot they did not make any charge.

Mr. SMALL. Are these pilotage associations, which are members of your association, of the States or cities of Boston, New York, Philadelphia, Maryland, and Norfolk, Va., opposing this bill?

Capt. MICHELL. I have not made any inquiry except that I receive letters that they are opposed to any Federal legislation, believing that it should be left to the respective States to regulate.

Mr. SMALL. I understand. They have no interest in this bill, having already abolished compulsory pilotage on coastwise shipping; have they?

Capt. MICHELL. They certainly have an interest in this bill.

Mr. SMALL. I mean no local interest; I am not speaking about a general interest.

Capt. MICHELL. No, sir; I do not think so.

Mr. SMALL. I understood you to contend the other day that the States had no right to impose compulsory pilotage on any inland waters?

Capt. MICHELL. I know of no compulsory pilotage on any inland waters. I know they would not do it in our State. But I have always believed that compulsory pilotage should exist where the State requires the pilots to maintain an equipment. If the pilots are required to maintain an equipment it should be compulsory pilotage; but where they have absolutely no equipment on inland waters it should be optional with the vessel whether it takes a pilot or not.

Mr. SMALL. What is your attitude with regard to the powers of a State to impose compulsory pilotage on inland waters? I just wish to know your position.

Capt. MICHELL. I have made the statement that the American pilots were not in favor of compulsory pilotage on inland waters. We pilot from the high seas.

Mr. SMALL. I am not sure that I understood your reply to a former question. There is no compulsory pilotage on the Mississippi River above the Passes, is there?

Capt. MICHELL. No, sir.

Mr. DUPRÉ. Did you understand the question? He said above the Passes.

Capt. MICHELL. Above the city; I understood him.

Mr. SMALL. I said above the Passes.

Capt. MICHELL. Oh, yes; from the head of the Passes up there is compulsory pilotage on foreign vessels.

Mr. SMALL. I beg your pardon, Captain, but this whole inquiry has nothing to do with foreign shipping. It is an inquiry entirely addressed to the coastwise shipping, and as to coastwise shipping, I am now making the inquiry whether there is compulsory pilotage imposed by the State of Louisiana on coastwise shipping on the Mississippi River above the Passes?

Capt. MICHELL. Not on steamers; they are exempt.

Mr. SMALL. Of course, not on steamers, because steamers are exempted by Federal law, but I am speaking of coastwise shipping other than steamers?

Capt. MICHELL. All vessels, barges, and sailing vessels in control of local towboats are exempt.

Mr. SMALL. You have referred many times to your equipment at New Orleans and the capital invested in it and the cost of maintenance. Your capital and your cost of operation and maintenance are secured from the fees received by the pilots as members of the pilotage association?

Capt. MICHELL. Yes, sir.

Mr. SMALL. Does the city of New Orleans or the State of Louisiana contribute anything to the cost of that equipment, or has it done so?

Capt. MICHELL. The shipping at New Orleans has.

Mr. SMALL. That was a voluntary contribution?

Capt. MICHELL. Yes, sir.

Mr. SMALL. Contributed to the maintenance or to the cost of the equipment?

Capt. MICHELL. Contributed to the cost of the equipment. I mean the shipping through its pilotage.

Mr. SMALL. Then I misunderstood you. Then there has been no contribution either by way of capital or costs of maintenance, except in the fees received by pilots from shipping?

Capt. MICHELL. From the fees? Yes, sir; there are other contributions or payments made voluntarily by the ship agents. I believe some of our pilots get \$500 a year in addition to the pilotage fee if no accident has happened to the particular ship which they are piloting.

Mr. SMALL. You mean voluntary gifts of the owners of the ships?

Capt. MICHELL. Yes, sir.

Mr. SMALL. These ships are in the foreign trade, generally, are they not?

Capt. MICHELL. Yes, sir. I would say that the Southern Pacific Co. has done emergency work for the pilots to the extent of nearly \$10,000, and did not charge anything for it. We had often gone to the rescue of their ships when they were aground or otherwise, and did not send them any bill; did not charge for it; and they did that work in return for the services we had rendered.

Mr. SMALL. Captain, I am anxious to avoid taking up unnecessary time, and perhaps it is my inability to express myself clearly. I was endeavoring to ascertain from what source your pilotage association at the mouth of the Mississippi secured the capital for the construction of its equipment and the cost of maintenance, and whether it was confined exclusively to the pilotage fees received, or whether from other sources; and if so, what sources?

Capt. MICHELL. Sometimes from towage we are paid a small fee; sometimes for aiding vessels in; but it is a very small amount.

Mr. SMALL. That comprises a very small amount. And, as a matter of fact, those voluntary contributions from the shipowners constitute a small amount, too, do they not?

Capt. MICHELL. I believe it amounts now to \$2,000 a year.

Mr. SMALL. About \$2,000 a year?

Capt. MICHELL. Yes, sir.

Mr. SMALL. What is the total annual income of your pilotage association at the mouth of the Mississippi?

Capt. MICHELL. The net earnings—I could not tell you right now.

Mr. SMALL. Could you give the gross and then the net?

Capt. MICHELL. I think it is about \$160,000 a year.

Mr. SMALL. Gross?

Capt. MICHELL. Yes, sir.

Mr. SMALL. How much net is it?

Capt. MICHELL. The pilots, I believe, have netted \$3,000 a year during the past seven years, according to the port investigating committee.

Mr. SMALL. That is \$3,000 each?

Capt. MICHELL. Yes, sir.

Mr. SMALL. How many pilots are there?

Capt. MICHELL. It varies from 23 to 25 to 35. That was the average.

Mr. RODENBERG. That was at New Orleans?

Capt. MICHELL. That is at New Orleans; yes, sir. We have been assessed at different times there. I think we were assessed 77 cents one month because we did not make enough to pay our expenses; and I remember my share was \$606 one month. That is the largest amount I ever received.

Mr. SMALL. I think you stated before that your pilot boats were used exclusively as pilot boats.

Capt. MICHELL. Supposed to be. But there are no towboats there, and the law requires that they shall maintain one boat of not less than 50 tons. We have four boats and we are within the law with one boat. We could use the other boats to tow if we chose.

Mr. SMALL. Will you furnish for the record a statement of the pilotage charges at the Passes of the Mississippi?

Capt. MICHELL. The charges now are \$4 a foot.

Mr. SMALL. Four dollars per foot of draft?

Capt. MICHELL. Yes, sir.

Mr. SMALL. Does that apply—

Capt. MICHELL. That is for 10 feet; all vessels drawing over 10 feet. Up to 10 feet or 10 feet and under, it is \$3.50.

Mr. SMALL. Then as to barges drawing 10 and under the pilotage charge would be \$3 for each foot of draft?

Capt. MICHELL. Three and a half.

Mr. SMALL. Three and a half for each foot of draft. That would be \$35 for a barge with a draft of 10 feet?

Capt. MICHELL. Yes, sir.

Mr. SMALL. That is in; not in and out. That is in, is it not?

Capt. MICHELL. They do not take any pilots going out. That includes the towage. We tow them in, making no charge for it, to get them out of the way.

Mr. SMALL. Thirty-five dollars for each barge?

Capt. MICHELL. Pilotage and towage; yes, sir.

Mr. SMALL. A tow of three barges, then, of course would have to pay \$105. Are they charged pilotage going out?

Capt. MICHELL. Without cargo; no, sir.

Mr. SMALL. With the barges loaded are they charged going out?

Capt. MICHELL. They are charged going out.

Mr. SMALL. The same?

Capt. MICHELL. Yes, sir; they pay for them willingly.

Mr. SMALL. Possibly it is because they have to? That has something to do with the cheerfulness of their payment, does it not?

Capt. MICHELL. These barges could not come to the port unless we piloted them in; it is impossible.

Mr. SMALL. You have stated that so often, now, it is useless to interject it into this line of inquiry I am making.

Capt. MICHELL. You are asking me a lot of questions as to the situation down there, and I want to make it clear.

Mr. SMALL. I think we all understand your zeal.

Mr. DUPRE. May I ask the captain if the schedule he refers to is fixed by act No. 55 of the acts of 1908?

Capt. MICHELL. Yes, sir; of the acts of 1908.

Mr. SMALL. Then a loaded barge in and out, with the draft of 10 feet, would pay \$70. A tow of three barges \$210?

Capt. MICHELL. If they all drew 10 feet?

Mr. SMALL. My question was predicated on that. There is a steamer of the United States Government Coast Guard stationed at New Orleans, is there not?

Capt. MICHELL. No, sir.

Mr. SMALL. Or at the mouth of the Mississippi?

Capt. MICHELL. No, sir.

Mr. SMALL. The United States Coast Guard—are you sure, Captain—maintains no steamer either at New Orleans or at the Passes?

Capt. MICHELL. No, sir.

Mr. DUPRÉ. He may recognize it by the term of "revenue cutter."

Mr. SMALL. I thought you understood the name had been changed—revenue cutter?

Capt. MICHELL. The revenue cutter?

Mr. SMALL. They are called Coast Guards now.

Capt. MICHELL. There is a revenue cutter at New Orleans; a very small vessel.

Mr. DUPRÉ. The *Robert C. Davy*?

Capt. MICHELL. Yes; the *Robert C. Davy*; a very small vessel.

Mr. SMALL. What is her tonnage?

Capt. MICHELL. I would judge her net tonnage is about 45 tons.

Mr. SMALL. What is her draft?

Capt. MICHELL. About 7 feet.

Mr. SMALL. She is a revenue cutter?

Capt. MICHELL. Yes, sir.

Mr. SMALL. With steam power?

Capt. MICHELL. Yes, sir.

Mr. SMALL. And her name is what?

Capt. MICHELL. The *Robert C. Davy*.

Mr. SMALL. Is there a revenue cutter maintained in Mobile for the Mississippi River?

Capt. MICHELL. Not that I know of.

Mr. SMALL. You do not know as to that?

Capt. MICHELL. No, sir.

Mr. SMALL. Do you understand that one of the duties of the revenue cutters is to go to the rescue of vessels of anybody in distress or peril and to save life and cargo on a vessel whenever possible?

Capt. MICHELL. Yes. In the absence of a revenue cutter we have rendered service at the mouth of the river.

Mr. SMALL. Yes. I understand the ability of your association as you have explained. You understand that if this proposed bill to exempt barges in tow from compulsory pilotage were to become a law that barges would have the option of taking a pilot if they desired it?

Capt. MICHELL. I understand that; yes, sir. I wish to explain my answer. We did that at the port of New Orleans. We had cut down the loading draft 6 inches there and we volunteered the outward pilotage, amounting to \$54, in order to be able to get on the barges, to safeguard the channel and to protect other vessels that required the deeper-water channel. We are doing that now.

Mr. SMALL. Just as steamers which are exempt from compulsory pilotage with the Government pilot on-board, they may take a State pilot if they so desire?

Capt. MICHELL. They do take pilots; all but one coming there; and they are not allowed to take them.

Mr. SMALL. You mean not allowed by the owners?

Capt. MICHELL. By the owners; yes, sir. I would like to cite a case. There was one vessel that came in there that was not allowed to take a pilot. She was out of coal. She had stopped at our place and asked for coal to take her up to the city. She had a lot of passengers on board, and the wind blew her ashore there, and she was listed on the bank in South Pass, and she was in distress. The captain appealed to me to help him. We pulled him off the bank, and took him down to the yard, and supplied him with coal, and made no charge, except for the coal; and we towed her away from the coal yard because he was too light to get away himself, and we made no charge whatever. That is the only vessel coming there which is not allowed to take a pilot, and we often assist him in a fog.

Mr. SMALL. Then, it is true if this bill becomes a law that barges could still take a State pilot if they so desired it?

Capt. MICHELL. Yes; and they could ruin our ports the same as the other barges were doing.

Mr. SMALL. Captain, you will pardon me, but you do not help your case in attempting to prejudice it in answer to a plain question.

Capt. MICHELL. That is natural; yes, sir.

The CHAIRMAN. Oh, this is not a lawsuit; this is an investigation, where everybody has a good deal of license.

Mr. SMALL. But, Mr. Chairman, I asked one question and he answers another.

Capt. MICHELL. No; I added to your question. They could do that, but they would do injury to the ports.

Mr. SMALL. That is not the information I was seeking. What is the largest pilot boat called?

Capt. MICHELL. The *Underwriter*.

Mr. SMALL. Has she more than one local pilot, or are there several pilots for her at different times?

Capt. MICHELL. We carry five or six pilots on her sometimes. That is according to the conditions. She may put her pilots out and come in for others.

Mr. SMALL. I believe it is true that the pilot which pilots your pilot boat also has a Government license, does he not?

Capt. MICHELL. Everyone in our employ on the deck or in the pilot house, as well as our apprentices, have a Government license.

Mr. SMALL. I have no further questions.

Mr. KINCHELOE. Mr. Small asked you if this bill were to become a law whether it would be still optional with the captain to take a pilot?

Capt. MICHELL. Yes, sir.

Mr. KINCHELOE. Granting that is true, is it not a fact if this bill were to become a law, notwithstanding it was possible for the captain to take a pilot, that captain would lose his job or be likely to lose it if he did take a pilot?

Capt. MICHELL. That is possible; yes.

Mr. SMALL. It is possible?

Capt. MICHELL. Yes, sir. In fact they have told me they would lose their job in some cases. The captain of that vessel whom I assisted told me he would lose his position if he took a pilot and we knew it.

**STATEMENT OF HON. ALBERT ESTOPINAL, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF LOUISIANA.**

Mr. ESTOPINAL. Mr. Chairman, it is evident, by our presence here, that the people of New Orleans are greatly interested in this bill, which, if passed, would affect very materially the commerce of the city; and we are here to protest against its passage. If any such bill is to be passed, owing to the peculiar conditions existing at the port of New Orleans, that port ought to be exempted from the operation of the bill. We hope that no such legislation will pass. We believe that this is a matter that ought to be left to the States. We are always talking about State rights, and we are giving away everything—all the rights that we have. We come here to the United States Government and appeal for protection for everything. Now, we can protect ourselves, and we feel that we can fully protect ourselves in this regard, and we ask that no such bill be passed.

I will not make an argument. I do not deem it necessary to make an argument after the elaborate presentation by Capt. B. Michell. We have with us the president of the Board of Trade of New Orleans, who is representing also the Cotton Exchange of New Orleans, Mr. M. J. Sanders, and he will speak upon the effect that this will have upon the commerce of New Orleans. Mr. Sanders is here.

**STATEMENT OF MR. M. J. SANDERS, OF NEW ORLEANS, LA.,
PRESIDENT OF THE NEW ORLEANS BOARD OF TRADE, AND
STEAMSHIP MANAGER.**

Mr. SANDERS. I am a steamship manager, and have been for 30 years, at the port of New Orleans.

The CHAIRMAN. For what line?

Mr. SANDERS. For the Leyland Line, the International Mercantile Marine, and other lines.

The CHAIRMAN. They are all foreign lines, are they?

Mr. SANDERS. The International Mercantile Marine is an American line, the biggest American line in existence and one of the biggest ship lines in the world to-day.

The CHAIRMAN. Do they have ships coming into the port of New Orleans, in the coastwise trade?

Mr. SANDERS. Yes, sir; sometimes we have ships of theirs; and the Leyland Line is a subsidiary of the International Mercantile Marine.

The CHAIRMAN. The International Mercantile Marine is an American corporation, but their ships are not admitted to the coastwise trade, are they?

Mr. SANDERS. No; most of their ships, in fact nearly all of their ships, are under foreign flags, unfortunately.

The CHAIRMAN. Hence, they are not exempt under our law which exempts steam vessels engaged in the coastwise trade?

Mr. SANDERS. No, sir. But I might say that we had four American ships, of that line, very big ships that used to trade locally to the port of New Orleans. We built two of them in Baltimore and two in New York. They were big 10,000-ton cargo ships and they used to come to me regularly at the port of New Orleans, and we never applied for exemption.

Mr. SMALL. Regardless of whether these ships are under American registry or under the foreign flag, they are all engaged in the foreign trade, are they not?

Mr. SANDERS. Yes, sir.

The CHAIRMAN. I just wanted to make it clear that there are only four ships (perhaps now there may be six) belonging to the International Mercantile Marine that are under the American flag and under American registration. They are the *St. Louis*, the *St. Paul*, the *New York*, and the *Philadelphia*.

Mr. SANDERS. And there are two others—two or three others now.

Mr. CURRY. Are any of your ships in the coastwise trade?

Mr. SANDERS. No, sir. We have no interest in the coastwise trade at New Orleans at all.

Mr. DUPRÉ. I do not understand you appear in behalf of the steamship lines or any interests of that kind.

Mr. SANDERS. No. I am here at the request of the New Orleans Board of Trade, as its president, and I presume they particularly asked me to come because of my 30 years of more or less expert knowledge of conditions at the mouth of the Mississippi River, and I desire to present you with the resolution which the New Orleans Board of Trade has passed on this matter. If you desire I will read the resolution:

RESOLUTIONS ADOPTED BY THE GOVERNING COMMITTEE OF THE MARITIME BRANCH ON FEBRUARY 7, 1916, AND APPROVED BY THE BOARD OF DIRECTORS ON FEBRUARY 9, 1916.

THE NEW ORLEANS BOARD OF TRADE (LTD.),
New Orleans, February 10, 1916.

Whereas the natural conditions in the channel at the mouth of the Mississippi River necessitate constant and intimate knowledge as to the condition of these channels, rendering the use of local pilots upon all deep-drafted vessels absolutely essential; and

Whereas the grounding of or sinking of any vessel in these channels might seriously disrupt the commerce of the port of New Orleans by causing serious delay to all vessels: Therefore be it

Resolved, That the maritime branch of the New Orleans Board of Trade is therefore strongly opposed to the passage of the bill known as H. R. 9678, introduced by Mr. Small, and now before the Committee of Merchant Marine and Fisheries: Be it further

Resolved, That copies of these resolutions be sent to the Louisiana Delegation in Congress, with the respectful request that they earnestly oppose the passage of this bill.

A. R. LAPONTA,
Chairman Governing Committee, Maritime Branch.

M. J. SANDERS,
President.

C. M. KEARNEY,
Acting and Assistant Secretary.

Those resolutions were first adopted by the steamship agents, who represent all the foreign commerce in the port of New Orleans, then by the Maritime Branch of the New Orleans Board of Trade, and

by them was submitted to the board of trade itself, the parent body, and adopted by them.

I have similar resolutions which have been adopted by the New Orleans Cotton Exchange. They are absolutely identical and were sent to me with the object of having me present them to your committee to-day.

(The resolutions above referred to are as follows:)

EXTRACT FROM MINUTES BOARD OF DIRECTORS NEW ORLEANS COTTON EXCHANGE.

FEBRUARY 17, 1916.

The New Orleans Cotton Exchange approves and indorses the following preamble and resolutions adopted by the governing committee of the maritime branch of the New Orleans Board of Trade (Ltd.), and approved by the board of directors of that organization:

Whereas the natural conditions in the channel at the mouth of the Mississippi River necessitate constant and intimate knowledge as to the condition of these channels, rendering the use of local pilots upon all deep-drafted vessels absolutely essential; and

Whereas the grounding of or sinking of any vessel in these channels might seriously disrupt the commerce of the port of New Orleans by causing serious delay to all vessels; Therefore, be it

Resolved, That the maritime branch of the New Orleans Board of Trade is therefore strongly opposed to the passage of the bill known as H. R. 9678, introduced by Mr. Small and now before the Committee of Merchant Marine and Fisheries; be it further

Resolved, That copies of these resolutions be sent to the Louisiana delegation in Congress with the respectful request that they earnestly oppose the passage of this bill.

W. P. STEWART, *President*.

Attest:
[SEAL.]

H. G. HESTEN, *Secretary*.

I may say also that I represent in this matter the opinion of the dock commissioners, of New Orleans. The wharf facilities of New Orleans are entirely publicly owned. I am not exactly correct in saying "entirely"; there are one or two private wharves that are controlled by the railroads, but the State has the right to purchase those wharves whenever it sees fit. The State owns the frontage of the port of New Orleans and it operates the docks and wharves there under a board of commissioners.

Mr. SMALL. What is the front mileage of publicly owned wharves there?

Mr. SANDERS. The port of New Orleans is 19 miles long, from one wharf to the other, in the extreme. The mileage under active control of the dock commissioners is probably half of that.

I am not speaking, Mr. Chairman, as the particular friend of the pilots, whether they be pilots of the port of New Orleans, or whether they be pilots of any other port in this country; and I am not here to say anything about any other port in the country in regard to this bill. I shall speak, as briefly as possible, of the mouth of the Mississippi River only. It has been my unfortunate duty on more than one occasion to disagree with Capt. Ben. Michell, who has appeared before you, and with his pilots, although I admit that they have an excellent association and men who do good work. But I happen to know in connection with another semipublic duty that has been mine for some years past (what is known as the jetty conference committee), the care and attention that is necessary in navigating those channels.

The jetty conference committee appeared before Congress some 15 years ago to advocate the opening of a new pass or a new channel through Southwest Pass, which channel is in the way of construction at the present time; but for the present we have to confine our whole egress and ingress of the commerce of the port of New Orleans, which in value is the second in volume in the country, to one channel through South Pass. It is the old pass opened by Eads really in 1875. The Government took it over, at the request of the city of New Orleans, some 15 years ago and the channel through that pass has been improved. But at the very best that channel is some 12 miles long with a maximum width from bank to bank of some 700 feet and a channel width of not more than 300 feet, and at certain stages of the river there is an extremely strong current running through the channel. At the present time I suppose there is a current of 5 or 6 miles at least running through there. I have had, in my own experience, two serious experiences in regard to the navigation of that channel. We have seen vessels ground there and on one occasion which I remember very well (and it is quite pertinent to the point at issue before the committee) a Cunard steamer was coming up South Pass. And remember, gentlemen, it is a long, narrow pass with absolutely no way of stopping for a boat on either one side or the other of vessels passing. The Cunard steamer was coming up the stream, and a mud lump had formed quite suddenly, as they do, overnight, which, although the pilot had been down that morning, he had not discovered, and she struck that mud lump and swung around with the current, which is inevitable, just like swinging a door to, till she was plumb across the channel. One of the vessels of my line was coming up the Pass behind her and another vessel was going down, and we came within a few yards of both of those vessels of ours running right into this vessel. There is not a shadow of doubt that if we had struck that vessel she would have been sunk, and if she had sunk there is not a shadow of doubt but that the south channel would have been destroyed for many months. It is doubtful whether it could have ever been reconstructed, because you can not dam the current of the Mississippi River; that is, physically; we do otherwise, frequently. And if that vessel had sunk in the channel the water would have had to find a way, and it would naturally have cut right across between the banks, which are very narrow, and the channel would utterly have been destroyed and the commerce at the port of New Orleans been destroyed until such time as the channel could have been reconstructed.

Now, that is prominently the danger that we see in the towage of these barges. It is all very well to call them barges. You gentlemen possibly have in mind a small craft carrying five or six hundred tons of cargo. But nowadays barges are vastly different from that. There are many barges of four and five thousand tons burden; there are many old ships that were turned into barges, steamships and wooden ships, and the tendency seems to build distinctly larger and larger barges as methods of towing those barges at sea have been discovered. We at New Orleans, speaking for the board of trade, not as shipping men, are very anxious to have all of this barge traffic come in. We want to increase the volume of

the business of the port of New Orleans. We are not here to put any obstacle that can possibly be avoided in the way of the barge traffic, because we want it all and more than will come to us. But we know that with these big barges in tow of a steamboat, even with a pilot on board—and when I say “pilot” I do not mean a man who is called by the Government license a pilot, who is simply what we call a mate or captain, and who knows nothing, necessarily, of the local conditions of any channels of any port, but is just given his license to navigate a ship at sea; he is not given his license for any knowledge he may have of the channels at any particular port, and he is what we would call in the foreign trade a master or a mate—but even if you had a local pilot on board of those barges in tow with a long towline out, there is distinctly more danger in navigating that craft through our channels or through our one channel to which we are confined at present, than there would be of a ship of twice the burden under her own steam and with a pilot on board.

It has been suggested here that even that is not made compulsory, or rather that it is made noncompulsory to take a pilot, but they may take them. But I think the questions asked of Capt. Michell and answered by him are fairly correct as regards the attitude of the owners, that if the captain incurs any special charge which the owners do not think was absolutely necessary, the captain is going to be severely censured and, therefore, a captain will take his chance of piloting that river. His ship is insured, and they have their orders not to take a pilot, and he is not going to take it, but he is just going to take this chance which we are afraid of; and if they get those big barges grounded in our channel, our commerce will be destroyed, and it will perhaps be destroyed for months to come.

The CHAIRMAN. While they may insure their vessel, and if their vessel grounds or sinks, they can recover the value of the vessel, but that does not help the channel?

Mr. SANDERS. It does not help us in the slightest degree. While we want to encourage all of this traffic possible, we do not want to encourage it at such a price that it will imperil the trade of the whole port, and we ask, therefore, that the matter be left in the hands of the State authorities. I am not asking for State rights, as Gen. Estopinal suggested; in many of these matters I favor Federal authority, because I have found many good results therefrom, but this is a question of local knowledge of our channels, intimate daily knowledge, and we pay the pilots, and pay them well in order that they may keep up their fleet and be able to sound the channels daily because of the volume of sediment brought down by the river. You gentlemen can appreciate the importance of keeping open those channels, when I say to you that the Mississippi River discharges into the sea, through the South Pass, Southwest Pass, and Pass La Loutre something over 400,000,000 cubic yards of sediment every year, and that is nearly twice the total excavation of the Panama Canal. That sediment is bound to make trouble at times in the passes and sometimes it makes for us absolute trouble, and although I do not want to strengthen the hold of the pilots in the form of compulsory pilotage upon any sort of commercial enterprise I can not help feeling, as an experienced steamship man, that it is an essential thing that we should have men who are on the spot with daily, intimate knowledge

of the conditions of the channels to navigate all of the vessels of any size that come through those channels; and therefore, gentlemen, we protest against this bill. If you desire to pass it for the other ports, which have different conditions and about which I know nothing, we respectfully ask that you leave us alone and let us handle these pilots as we desire locally, and let us insure that we shall have nothing but expert knowledge in navigating by the pilots through those channels. That is all I have to say.

Mr. DUPRÉ. Mr. Sanders, you are an American citizen, are you not?

Mr. SANDERS. Yes, sir.

Mr. DUPRÉ. And for how long have you been such?

Mr. SANDERS. For twenty-odd years past. And I am proud of it.

Mr. SMALL. Mr. Sanders, your remarks have been confined exclusively as applicable to the port of New Orleans and the Passes at the mouth of the Mississippi River?

Mr. SANDERS. Yes, sir.

Mr. SMALL. You do not intend them to have any application to any other port?

Mr. SANDERS. No, sir; none whatever.

Mr. SMALL. You are not familiar, then, with the channels through Pollock Rip Shoals, which must be traversed leading to the port of Boston?

Mr. SANDERS. Not in the least, sir.

Mr. SMALL. And you can not testify as to the comparative danger of that port with the Passes at the mouth of the Mississippi River?

Mr. SANDERS. No.

Mr. SMALL. Did I understand you to say, Mr. Sanders, that in issuing licenses by the United States Steamboat-Inspection Service to pilots they are not examined as to local conditions, but simply as to their general knowledge of navigation?

Mr. SANDERS. That is my understanding, sir.

Mr. RODENBERG. It is your belief, Mr. Sanders, that the shipping interests generally are in favor of this compulsory pilotage that you have now?

Mr. SANDERS. Oh, yes.

The CHAIRMAN. As applied to New Orleans?

Mr. RODENBERG. Yes; as applied to New Orleans?

Mr. SANDERS. Yes, sir.

Mr. SMALL. He is simply speaking for New Orleans, as I understand, and the Passes at the mouth of the Mississippi River.

Mr. SANDERS. That is all.

**STATEMENT OF HON. ROBERT F. BROUSSARD, UNITED STATES
SENATOR FROM THE STATE OF LOUISIANA.**

Senator BROUSSARD. Mr. Chairman, I do not want to appear before the committee to add anything to what has been said in regard to the matter, but simply to inquire if the telegram which I sent the other day when I was unable to attend, from the mayor of the city of New Orleans, asking me to protest against the passage of this bill, has been filed with the committee and made a part of the proceedings.

Mr. LAZARO. That has been filed.

Senator BROUSSARD. And I want to add to that that I had a letter from the governor of the State.

The CHAIRMAN. Did you send a telegram about it?

Senator BROUSSARD. Yes; I sent it to the committee through Mr. Wells. I want to suggest that that telegram came to me showing the attitude of the mayor of the city of New Orleans and, in that connection, to mention that I have a letter from the governor of Louisiana which I thought I had with me this morning and which I want to put into the record—and with the permission of the committee I will insert it—to show that the governor under the State law appointed a board to which my friend, Mr. Sanders, referred a while ago, showing that he is equally interested and approves the position taken by Mr. Sanders and by the delegation from Louisiana, as I understand, in opposing this legislation as far as the port of New Orleans is concerned. And in the telegram from the mayor he has taken the same position, as far as the city of New Orleans itself is concerned, of keeping the traffic of New Orleans open by keeping the Passes open.

I simply want to make that statement so that the protest might be a general protest of the people of Louisiana against this legislation as far as it applies to the city of New Orleans, who are, apart from any controversy on any other matter, thoroughly in accord with the position that the port ought not to be jeopardized and that the entire traffic should not be jeopardized by permitting any other method of navigation of that narrow and shallow channel; and that they believe it is better for that trade to use the port as we are utilizing it now, with the vast expenditure of money that the Government has made to give us an opening into the city, not only for the city of New Orleans but for the grain and cotton of the South and the grain of the Northwest and the other things that find their way out into the commerce of the world through that port. And we do not want the interests of that port jeopardized by the belief that the State of Louisiana is not treating fairly the commerce which she welcomes and will be glad to get in extended volume through coastwise navigation, whether by barge or steam, or in whatever way it may present itself.

Mr. SMALL. Senator, your remarks simply have reference to the port of New Orleans and to the passes at the mouth of the Mississippi?

Senator BROUSSARD. Yes; I am speaking here now simply because as I believe from my knowledge of conditions, that the protest that is being made is not only a just protest, but that this legislation might close the entire traffic of that port. And I speak now because the mayor of the city of New Orleans telegraphed me at the opening day of the hearing asking me to protest against this legislation as far as New Orleans is concerned, and the fact that the governor has written me to the same effect.

Mr. SMALL. And your remarks have reference to no other port than the port of New Orleans?

Senator BROUSSARD. No; I do not know the conditions in other ports, and of course I can not speak of them.

I thank you.

**STATEMENT OF HON. H. GARLAND DUPRÉ, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF LOUISIANA.**

Mr. DUPRÉ. Mr. Chairman, I desire to supplement the resolutions that have been submitted by Mr. Sanders in opposition to the Small bill by filing with the committee some resolutions adopted by the board of underwriters of the city of New Orleans representing the insurance companies; also resolution adopted by the New Orleans Steamship Association to which some reference was made by Mr. Sanders, but he did not file, as I understand, the actual resolution adopted by that body; also a resolution by the American Association of Masters, Mates, and Pilots, through its local branch at New Orleans.

(The resolutions above referred to are as follows:)

BOARD OF UNDERWRITERS,
New Orleans, La., February 5, 1916.

HON. H. GARLAND DUPRÉ,
House of Representatives, Washington, D. C.

DEAR SIR: I am directed to make known to you the opposition of the underwriters to the passage of the bill known as H. R. 9678, introduced in the House of Representatives by Mr. Small, and now before the Committee on the Merchant Marine and Fisheries, and to earnestly request that you oppose its passage for the following reasons:

First. That the natural conditions in the channels at the mouth of the Mississippi River necessitate constant and intimate knowledge as to the conditions of these channels, rendering the use of local pilots upon all deep-draft vessels absolutely essential; and

Second. That the grounding of or sinking of any vessel in these channels might seriously disrupt the commerce of the port of New Orleans, by causing serious delay to all vessels, and

Third. That the commercial importance, prosperity, and trade of New Orleans and the territory tributary thereto, and especially the export and import trade, are almost entirely dependent upon the uninterrupted and unobstructed maintenance and use of the deep-water channels at the mouth of the Mississippi River.

We trust you will find it consistent to oppose the bill.

Respectfully,

GEO. MATHER, *Secretary.*

NEW ORLEANS STEAMSHIP ASSOCIATION,
New Orleans, La., February 2, 1916.

HON. H. GARLAND DUPRÉ,
House of Representatives, Washington, D. C.

DEAR SIR: The following preamble and resolutions were adopted at a meeting of the New Orleans Steamship Association to-day, and we bespeak your earnest attention to them:

Whereas the natural conditions in the channels at the mouth of the Mississippi River necessitate constant and intimate knowledge as to the condition of these channels, rendering the use of local pilots upon all deep-draft vessels absolutely essential; and

Whereas the grounding of or sinking of any vessel in these channels might seriously disrupt the commerce of the port of New Orleans by causing serious delay to all vessels: Therefore be it

Resolved, That the New Orleans Steamship Association is therefore strongly opposed to the passage of the bill known as H. R. 9678, introduced by Mr. Small, and now before the Committee on the Merchant Marine and Fisheries. Be it further

Resolved, That copies of these resolutions be sent to the Louisiana delegation in Congress, with the respectful request that they earnestly oppose the passage of this bill.

We trust that you will find it consistent to take the action requested in these resolutions.

Yours, very truly,

FREDERICK ROEHL, *Assistant Secretary.*

RESOLUTION.

AMERICAN ASSOCIATION OF MASTERS, MATES, AND PILOTS,
New Orleans, La., February 17, 1916.

Whereas there has been introduced in Congress in the House of Representatives a bill "to exempt from compulsory pilotage the barges while in tow of steam vessels navigated by Government pilots"; and

Whereas the commercial importance, prosperity, and trade of New Orleans and the territory tributary thereto, and especially the export and import trade, are almost entirely dependent upon the uninterrupted and unobstructed maintenance and use of the deep-water channels at the mouth of the Mississippi River; and

Whereas the only exit out of and entrance into the port of New Orleans available to deep-draft ocean-going vessels is through the jettied channels at the entrance of the Mississippi River; and

Whereas the channels in the passes and jetties can be safely navigated only through the vigilance and skill of local trained pilots with their expert knowledge and with the aid of powerful steam equipment owned by them; and

Whereas the towing of barges by steam vessels without the aid of such trained pilots will be a menace to the lives and property, through grounding or collision with other vessels; and

Whereas the passage of the bill referred to would permit the towing of barges without the aid of skilled, trained pilots and would endanger the use of the said channels and would permit any person to attempt the pilotage of any barges without previous experience in said channels and without knowledge of the conditions of said channels; and

Whereas we believe that the interest of the commerce of the port of New Orleans and the safety of the lives of people and property through the channels and passes would be endangered by the passage of said bill: Wherefore it is

Resolved, That we urge upon our Senators and Representatives to oppose the bill for the reasons set out above, and for other good and sufficient reasons; and be it further

Resolved, That the secretary be requested to transmit a copy of these resolutions to each of the Senators and Representatives in Congress, to the Speaker of the House of Representatives, and chairman of the Committee on Commerce of the Senate and Merchant Marine and Fisheries.

This was voted on by Crescent City Harbor of American Association of Masters, Mates, and Pilots unanimously on the question this day at a regular meeting.

Trusting favorable action, thank you in advance for the harbor.

Respectfully,

[SEAL.]

JOS. REDMANN, *President*.

JNO. BOARDMAN, *Acting Secretary*.

Mr. DUPRÉ (continuing). In connection with the opposition which Mr. Sanders voiced on behalf of the dock board, I wish to state that the board has expended over \$10,000,000 in improving the wharf facilities of the city of New Orleans, and that it is authorized by a recent constitutional amendment adopted in our State, to issue further bonds to the extent of some \$23,000,000. So that your committee will observe how much interest our people feel in the commerce of the port and how much money they have already expended in improving conditions, and how much more money they are ready to spend to maintain and improve those conditions. They sincerely hope that no Federal legislation will be enacted that will make useless the money they have already expended and are willing to spend.

I will file for insertion in the record a letter and telegram which I have received from the board of the commissioners of the port of New Orleans in connection with the expenditures which have been made on wharf improvements, and the additional authorized expenditures.

(The letter and telegram referred to are as follows:)

BOARD OF COMMISSIONERS OF THE PORT OF NEW ORLEANS,
February 16, 1916.

Hon. H. GARLAND DUPRÉ, *Washington, D. C.*

DEAR GARLAND: Your letter of February 12, 1916, making inquiry as to amount expended by dock board since its organization in the matter of construction and maintenance of wharves, etc., would say that we think that the inclosed asset and liability statement of dock department would serve your purpose, and taking into consideration the fact that we have expended some three million and a half in the construction of a cotton warehouse, and have contracted to spend \$1,400,000 toward the acquisition of a grain elevator.

We have a total outstanding bonded indebtedness of \$7,750,000, and have an authorized issue (yet to be issued) of \$23,750,000.

We inclose you herewith copy of telegram addressed to Capt. Ben Michell, with reference to small bill, which is self-explanatory.

With kindest regards,

Yours, very truly,

TILEY S. MCCHESENEY,
Treasurer and Assistant Secretary.

[Telegram.]

NEW ORLEANS, February 3, 1916.

Capt. BEN MICHELL, *Washington, D. C.:*

The board deprecates any legislation that will in any manner increase the dangers of navigation of the Passes, and sincerely trusts that no adverse legislation will be passed.

BOARD OF COMMISSIONERS PORT OF NEW ORLEANS.

NEW ORLEANS, LA., February 21, 1916.

H. GARLAND DUPRÉ,

House of Representatives, Washington, D. C.:

Your estimate of \$10,000,000 expended by board since 1896, as outlined in your letter, very conservative and can be stated without fear of contradiction.

BOARD OF COMMISSIONERS OF THE PORT OF NEW ORLEANS.

Mr. BYRNES of South Carolina. In response to letters received from pilots at Beaufort, S. C., I forwarded to them copies of the hearings thus far printed, calling their attention to the statements of Capt. Brown as to conditions at Beaufort, and I am now in receipt of a letter from the pilots which I ask to have printed in the record.

BEAUFORT, S. C., February 18, 1916.

Hon. JAMES F. BYRNES,

Washington, D. C.

DEAR SIR: Yours of the 18th instant received and contents noted. We beg to state that Capt. Brown's statement is false. As you well know, it is very hard to make a man see when he does not wish to see, and in Capt. Brown's case he did not wish to see. The one instance he will recollect seeing a pilot perhaps is the time when the captain had the schooner *Louis Bossert* in tow and put her ashore on the St. Helena Bar, after which he left her for the pilots to get off. He was very glad to see a pilot in this instance. In this case if it was not for the pilot the vessel would have been a total loss. We also wish to mention a second case when the captain was in error. He was in charge of the tug *Protector* towing the barge *Mattie L. Johnson* from Wilmington to Chisolm Island on the Cape Fear River between Wilmington and the sea, and on this trip he ran into a gasoline boat and two lighters loaded with 200 barrels of oil, sinking the same, which was a total loss, and in this case he almost drowned the men in charge of the lighters and gasoline boat. In the trial at Wilmington, he tried and succeeded in placing the blame on the barge that he had in tow behind him. We always have a pilot boat on the station, weather

permitting, and are always ready to give service when wanted. One of the troubles we have with Capt. Brown is that he runs away from the pilots towing light barges in and out of ports.

The barges are taking the place of the schooners who have been trading in and out of our ports, consequently if the compulsory pilotage act goes into effect it will destroy our whole pilot system because, as stated above, the barges have all the trade in these waters now.

WM. H. VON HARTEN,
JOHN O'BRIEN,
Pilot Association.

Mr. DUPRÉ. In connection with this whole matter, I desire to say it is not a new one with our people. When I was a member of the legislature, in 1907, a resolution was adopted creating a legislative commission to investigate the conditions at the port of New Orleans, that act being act No. 9 of the extra session of 1907. The commission thereby created was specially charged, among other things, to examine into the pilotage charges and towage charges, and as a result of the recommendations of that commission, although our people were very anxious to reduce the burdens of carrying commerce to and from our port, far from trying to abandon pilotage and towage charges, the legislature of 1908, of which I had the honor to be the speaker of the house of representatives, passed two acts, to which I have heretofore referred, with reference to pilotage charges, one continuing the charge for bar pilotage and the other creating a board of river pilots, so as to require compulsory pilotage under certain conditions not only through the Passes but from the Head of Passes up to the actual port of the city of New Orleans. It shows, gentlemen, that the people were deeply in earnest and absolutely convinced as to the necessity of maintaining this pilotage and of doing nothing to prejudice our free access to the sea and our entrance from the Gulf into the river. And, as Mr. Sanders has stated, that sentiment is still the sentiment of the commercial community of New Orleans.

I would like to have the privilege of having these acts to which I have referred inserted in the record before the committee.

The CHAIRMAN. Are they long?

Mr. DUPRÉ. They are not very long.

The CHAIRMAN. Have you stated the substance of them?

Mr. DUPRÉ. Yes; the substance. If the committee does not think it desirable to have them inserted in the record I will not press it.

The CHAIRMAN. I only do not want to make such a large record that we won't read it, you know.

SYNOPSIS OF SAID ACTS.

Act 9, extra session of 1907, created commission to investigate conditions of the port of New Orleans, with a view of recommending legislation to bring the port charges of the city of New Orleans affecting its commerce to a parity with other Gulf and south Atlantic ports. The commission was especially authorized to examine into pilotage and towage charges.

Act 20 of same session appropriated \$15,000 for the expense of that commission.

Act 54 of 1908 (outgrowth of recommendations of port commission) was an act to regulate the system of river port pilotage, to provide for a board of river port pilot commissioners, etc. The duty of the river port pilots was declared to be to pilot seagoing vessels from the Head of Passes opposite Pilot-town to the port of New Orleans and return.

Act 55 of 1908 amended sections 2706, 2698, 2701, and 2703 of the Revised Statutes of the State of Louisiana, as amended by act 11 of general assembly of the year 1890, by fixing compensation of the bar pilots of the port of New Orleans at the rate of \$3.50 per foot of water drawn by any ship or vessel piloted by them drawing 10 feet of water or less; \$4 per foot for vessels drawing more than 10 feet of water up to 18 feet of water; vessels drawing more than 18 feet to pay at the rate of vessels drawing 18 feet and no more.

Mr. DUPRÉ. I have looked over the hearings had on this subject and I came across an opinion that was rendered by the former Secretary of Commerce and Labor, Mr. Nagel, in connection with a bill along similar lines, although, of course, the other bill was more sweeping than this present measure, in which the then Secretary took the position that in his view this was a matter that should be left to the States to exercise the concurrent jurisdiction which exists between them and the Federal Government. And if it would be proper—I am not a member of the committee—I would like to ask if the Department of Commerce has submitted any views on this bill?

The CHAIRMAN. They have not.

Mr. DUPRÉ. Or whether their views have been requested?

The CHAIRMAN. They have been requested, but they have not been submitted yet.

Mr. DUPRÉ. It seems to me the department should be consulted. I was going to ask Mr. Small some questions when he was interrogating Capt. Michell. I will ask them now, if I may. I want to ask him what effort the Southern Transportation Co. has made in Mr. Small's home State of North Carolina to have the legislature of that State abolish compulsory pilotage?

Mr. SMALL. There have been efforts made in the past in North Carolina. At one time, I do not recall when, but some years ago—I am told in 1905—the legislature abolished compulsory pilotage as applicable to all coastwise shipping. And that law remained in force perhaps a year or two years, and the pilots went up to the next session of the legislature and induced the legislature to restore it in part.

In further answer I will say that this immediate agitation came about because a barge traffic has been initiated from ports north of Hatteras, notably New York, Philadelphia, Baltimore, and Norfolk, to ports south of Hatteras, notably Savannah and Charleston and, to some extent, the other ports, but to those two ports particularly, which barges use the inside route behind Hatteras, or what is known as the Norfolk-Beaufort Inland Waterway, which extends from the southern branch of the Elizabeth River, on which Norfolk is situated, through the inland waters of North Carolina and out at the ocean again at Beaufort Inlet, which is south of both Hatteras and Cape Lookout. When that traffic was initiated, after Congress in 1912 authorized the construction of that Norfolk-Beaufort waterway, these obstacles were encountered—expensive pilotage charges at Beaufort Inlet, at Charleston, at Savannah, at St. Helena, and other South Atlantic ports.

Mr. DUPRÉ. All of which was subject to rectification by the legislatures of the various States, was it not?

Mr. SMALL. Those barges have a maximum draft of about 9 feet only and their attitude is that there is absolutely no necessity for a pilot at Beaufort Inlet or at any of those South Atlantic ports. Now, this barge traffic was only initiated early in 1915, and there

has been no session of the North Carolina Legislature since then and one will not convene until 1917.

Mr. DUPRÉ. But generally you will admit, however, that the rectification of these matters is in the control of the States?

Mr. SMALL. I will answer that in a moment or two. My experience heretofore has been that the political activity of the pilots in appealing to the sympathy of the members of the legislature and to the prejudices of the members usually prevents the legislature from taking action.

Mr. DUPRÉ. I am sorry the gentleman is giving the legislature of his State such a bad name. But, of course, that is no concern of mine.

Mr. SMALL. Not a bad name. I am only stating the conditions.

Mr. LAZARO. You mean to say the legislature represents the will of the pilots instead of the will of the people, and they are influenced by those few pilots.

Mr. SMALL. You will understand there are practically only two ports in North Carolina, Beaufort and Cape Fear, where there are any pilotage associations, or, for that matter, any inlet from the ocean to the interior waters. And they go to the members of the legislature, very few of whom are in that locality. North Carolina is a long State—600 miles long—extending from the ocean westward and embracing the Appalachian Mountains, and the legislators know nothing about the matter, and what I intended to say was that by appeals to the sentiments and prejudices they have so far controlled the legislature. Now, that it is my own State, and the very fact that I am taking this position and being criticized by our pilots is at least some evidence of my good faith and sincerity.

Mr. DUPRÉ. That is not questioned by me, sir.

Mr. SMALL. I want to answer one other question, and that is the matter of concurrent jurisdiction—that the States have jurisdiction over pilotage until the United States asserts its jurisdiction. The United States has already asserted its jurisdiction by exempting from compulsory pilotage coastwise shipping at every port in the United States as to steamers, providing the steamer has a Government pilot on board. And the United States can assert its jurisdiction as to barges.

Mr. DUPRÉ. I do not question that, Mr. Small.

Mr. SMALL. It can assert that jurisdiction whenever it chooses to do so.

Mr. DUPRÉ. I suppose you realize that I am familiar with the constitutional authority in that respect and what Congress has done in pursuance thereof.

Mr. SMALL. I do, and that was the reason I was surprised at your question.

Mr. DUPRÉ. The question was whether you did not have the right to go to the States, and as you have such right, I am trying to find out whether you have taken any action for the rectification of this matter by your State legislature. I do not think the answer you are giving as an excuse is any justification for your course in coming here to Congress and asking its aid.

Passing to another question, is it not true that during the time when there was no compulsory pilotage law in the State of North

Carolina the shipping of the State suffered so considerably that that was the reason the State reenacted the compulsory pilotage law?

Mr. SMALL. That is not my information. The only port substantially affected was the port of Wilmington, at the head of deep-water navigation, and at Cape Fear; and the only contention there was in connection with the foreign ships, that they did not afford enough revenue to support the pilots, and therefore the law had to be restored to embrace the coastwise shipping, except steamers, in order to give the pilots a larger revenue, so that the organization might be maintained for the benefit of the foreign shipping.

Mr. RODENBERG. Was there any material falling off in the commerce during the time the pilotage was abolished?

Mr. SMALL. No.

Mr. DUPRÉ. May I inquire whether an appeal has been made to the legislatures of the other South Atlantic States—Georgia, South Carolina, and Florida—on the subject of obtaining State legislation on this matter, if you know?

Mr. SMALL. I am not really familiar with that. There have been resolutions submitted here by the Chamber of Commerce of Wilmington, N. C.; the Board of Trade at Savannah, Ga.; and formerly by the Chamber of Commerce of Charleston, S. C., which was subsequently modified when the pilots reduced the charges on barges; and also a resolution from the Board of Trade of Jacksonville.

Mr. DUPRÉ. I have no doubt in the ultimate action of this committee on the bill that due provision will be made exempting our port from the proposed legislation, but I want to submit the thought whether it would be legal for this committee to pass a bill that will include certain States on the subject of pilotage and exempt other States. I merely throw that out as a suggestion worthy of your consideration.

Mr. BURKE. I would like to ask Mr. Small a question.

Mr. SMALL. Just in answer to the suggestion of Mr. Dupré, I am inclined to think, as a matter of law, Mr. Dupré, in which I defer to you, that if this committee should wish to except New Orleans, such an exception would not invalidate the law; that is to say, it is within the power of Congress, and it is a power which can be exercised wholly or partially. That is my opinion.

Mr. BURKE. What is the deepest draft of your largest barges that run in your North Carolina waters?

Mr. SMALL. That is, the inland waterway behind Hatteras?

Mr. BURKE. Yes, sir.

Mr. SMALL. Of depths not exceeding 9 feet. When this waterway from Norfolk to Beaufort Inlet is entirely completed it will have a minimum depth of 12 feet, so that a barge then can be operated having a draft, say, of 11 feet. But until that time, until it is completed—and it will be several years, I presume, the appropriations being made annually—the maximum draft is 9 feet.

Mr. BURKE. Let me ask you this question: If this bill were to pass, limiting its effect to barges with a draft of less than 12 feet, would that be satisfactory to all concerned?

Mr. SMALL. To the barge interests in these southern ports and these northern ports, which are greatly interested in the building up and maintenance of this barge traffic, which barges wish to use

this inland waterway, I will say yes, that a limitation of 12 feet would be satisfactory. But I will call your attention to the fact that there are barges which go outside of Hatteras; there are not a great many, but there are now barge lines with no regular schedules, as I understand it. But there are a number of large barges, most of which are owned by individual industrial corporations, like the Standard Oil Co. and other large industrial corporations of that kind, which operate their own barges and have the large type of barge that Mr. Sanders referred to.

Mr. BURKE. With a much deeper draft?

Mr. SMALL. With a much deeper draft, with a greater tonnage, and greater carrying capacity. But 12 feet, if it were fixed as the maximum draft of any barge at any time in the near future using this inland waterway behind Hatteras, or inside of Hatteras, would be satisfactory.

Mr. BURKE. Now, Mr. Chairman, I would like to ask Capt. Michell the same question:

Captain, supposing that this bill was amended so as to limit its application to barges drawing less than 12 feet; would that be objectionable to the commercial interests of New Orleans?

Capt. MICHELL. Yes, sir. Any barges without pilots on board—without local pilots—would be dangerous.

The CHAIRMAN. It is very clear, as far as New Orleans is concerned, if you are going to exempt one class you would have to exempt all. None except seagoing barges, I understand, would come into the port of New Orleans.

Capt. MICHELL. Mr. Chairman, Capt. Pruett, president of the American Association of Masters, Mates, and Pilots, would like to be heard.

The CHAIRMAN. Proceed.

**STATEMENT OF CAPT. JOHN H. PRUETT, OF BROOKLYN, N. Y.,
PRESIDENT OF THE AMERICAN ASSOCIATION OF MASTERS,
MATES, AND PILOTS.**

Capt. MICHELL. What is your business?

Capt. PRUETT. I am a master mariner.

Capt. MICHELL. And what organization do you represent?

Capt. PRUETT. I am now president of the American Association of Masters, Mates, and Pilots, and I appear here to-day in the interest of the Government licensed masters, mates, and pilots.

And, now, gentlemen, I and the executive committee of our association have read quite thoroughly the hearings of the 1st, 8th, and 9th of this month before this committee. It appears all through the hearings the statement has been made that as long as these barges were in tow of a tug, having a Government-licensed pilot on board, it was quite reasonable to suppose they should be exempted from pilotage. I would like to have you give this matter due consideration. Has the licensed officer to whom you refer, the Government pilot, been asked whether he will accept this added responsibility of being the safe navigator of four vessels, instead of one? When he goes before the supervising inspectors or the local inspectors of his license (he may be in the towboat or towing business) he might consider it a part of his duty to have to tow two or three vessels, but he

will be very pleased if he could get a position where he would only have one vessel to navigate.

It is very essential that these barges should have on them a local pilot. They swing on a long towline and can be veered from right to left, and, when they go up a channel, in order to pass other vessels—overtaking or passing or coming in the opposite direction—if these barges did not have a local pilot they might not understand the depth of the water from the center of the channel to the side on which they are going to pass a barge or vessel. It may be a very deep draft and they may have to keep so close to the vessel coming down that the vessel's suction will haul the barge in and there will be a collision. The master of the vessel which is being navigated—which is the unburdened vessel—will be held responsible at first, so that he will be subject to trial before the local inspectors until they determine who is responsible for that collision. Besides, that barge may sink and it may be detrimental, as the gentleman here has told you, to the commerce of the port. In my opinion, on a tow of three barges, there should be two local pilots, at least, one on the head barge and one on the stern barge, so that the safe navigation of that tow might be insured from the entrance to the channel until she arrived at the port of destination, whether it be at Savannah, Charleston, Wilmington, N. C., or anywhere else.

Mr. CURRY. The law does not even require that now, does it?

Capt. PRUETT. I know it does not. But I do not think it is hardly justice to place upon the man who has got the towboat the actual responsibility of caring for that whole tow; and, if this bill before the committee is passed, it relieves those barges from taking a pilot, unless they desire to do so.

Mr. CURRY. That is not the way I understand the bill. The way I understand the bill is that it will relieve the shipowner from paying for compulsory pilotage. If they need a pilot now, they will need a pilot then. It is up to the master now whether he takes a pilot on the barge or not. This bill does not provide that he shall not take pilots.

Capt. PRUETT. This bill exempts them from taking pilots.

Mr. CURRY. It does not.

Capt. PRUETT. It exempts them from having pilotage. If they have to pay for a pilot they are not very apt to ask for his services, are they?

Mr. CURRY. This bill does not change the situation at all except in so far as compulsory pilotage is concerned. You are talking about a situation that you would like to see?

Capt. PRUETT. No; I say this—

Mr. CURRY (interposing). This simply prevents the pilots from collecting for pilotage when a pilot is not used; that is all.

The CHAIRMAN. No; if this bill becomes a law it will exempt the barges from compulsory pilotage in the ports of the United States.

Capt. PRUETT. That is what I understand.

The CHAIRMAN. Under the State laws now they are compelled to take on local pilots.

Mr. CURRY. Or else to pay for pilotage.

The CHAIRMAN. That is a matter of local regulation.

Capt. PRUETT. Yes, sir; of their own regulation. And if it would be possible to devise, whether this committee would have the right

to do it or whether the pilot commissioners of each State, that the barges should take a pilot and the pilot should serve on those tows in the interest of commerce—

Mr. CURRY. There is not any bill like that before the committee.

Capt. PRUETT. I know there is not.

The CHAIRMAN. He is suggesting that the States do that.

Capt. PRUETT. I want to show the attitude of the licensed officer who has to do the towing in regard to compulsory pilotage. They believe compulsory pilotage is proper; they believe that pilots should be on those barges, local pilots; but if this bill should pass it relieves them from taking local pilots.

The CHAIRMAN. If they have a licensed Government pilot on the towboat or barges.

Mr. CURRY. Or a man who can take the ship into port.

Capt. PRUETT. Would it mean just—

The CHAIRMAN. I just want to make that clear—

Capt. PRUETT. Yes, sir.

The CHAIRMAN. That if this bill becomes a law all vessels or all barges entering ports in tow of a tug or steam vessel with a Government licensed pilot on board would be exempt from compulsory pilotage.

Capt. PRUETT. Yes, sir.

The CHAIRMAN. Speaking for the licensed pilots who would be on board the tug or the vessel towing these vessels, you say they are in favor of pilots on the barges?

Capt. PRUETT. On the barges; yes, sir. The assistance of those local pilots is of material benefit to the navigation of a tow going in or out of those ports. The river is not an evenly dredged channel in all cases. There are shoal spots of which perhaps the local pilots are the only ones having knowledge, and there are cases where you can sheer close to the bank and perhaps 500 or 600 feet farther on you would have to keep 200 or 300 feet away from the bank.

Mr. SMALL. To what port are you referring now?

Capt. PRUETT. I can say the Savannah River. That is not a dredged channel from shore to shore.

Mr. SMALL. You are referring to the river now and not the Tybee Roads or the bar?

Capt. PRUETT. No, not the bar, because that changes.

Mr. SMALL. How far is Savannah above the entrance on the bar?

Capt. PRUETT. Oh, it is about 100 miles.

Mr. CURRY. Do you know what percentage of ships that are spoken take pilots?

Capt. PRUETT. No, I do not.

Mr. CURRY. Do you think it is 50 per cent?

Capt. PRUETT. No; I have not any idea how many are spoken that take pilots. I think the bar pilots could answer that better than I could.

Mr. BURKE. Captain, will you tell us how pilotage charges are fixed or determined?

Capt. PRUETT. No, sir; I have no idea how pilot charges are fixed.

Mr. BURKE. Do pilotage charges differ in the different ports upon the same tonnage?

Capt. PRUETT. Upon the same draft; I believe all pilotage charges are on the depth that the vessel draws, which is called the "draft."

Mr. BURKE. That is not my question. Do the pilotage charges exacted by the pilots differ in different ports for the same kind of work?

Capt. PRUETT. Very likely; I think they do; yes, sir.

Mr. BURKE. Do the State laws in each instance fix the rate for charge by the pilot?

Capt. PRUETT. I do not know how those rates are fixed.

Mr. BURKE. Are there any State laws which do fix the charges of the pilot for the pilot's services?

Capt. PRUETT. I do not know; that is a matter for the bar pilots to answer.

Mr. BURKE. How are those charges fixed, by the pilots' association?

Capt. PRUETT. I do not know. I have no idea as to the pilots' rates or how they are fixed.

Mr. SMALL. They are usually fixed by the legislature, or by the port masters.

Capt. PRUETT. I am simply speaking about the licensed officer who, if there is no compulsory pilotage, will be responsible for that tow, whether it is one barge, two, or three; because he will not get a pilot to help him. We know that from experience. There is no man that dares to create any expenses when his license is supposed to cover the work that he is employed to do, and he will take chances when perhaps he ought not to do so. That is the point I want to cover, for the licensed officer only. I am not here to speak in regard to the interests of the bar pilots because I know nothing of their methods or their systems except in a general way, about which I would not undertake to make any statement.

I trust the committee will bear in mind that if this bill goes through it places the whole responsibility of the navigation of that tow upon the Government pilot who is in charge of the tug. We do not believe that he should be, and therefore I appear here to oppose the bill in the interests of the licensed officers of the American Association of Masters, Mates and Pilots.

Mr. CURRY. Do you think compulsory pilotage should be restored in New York?

Capt. PRUETT. Yes, sir; I do.

Mr. CURRY. You think instead of repealing the compulsory pilotage law that it ought to be restored?

Capt. PRUETT. I think these barges ought to be in charge of a local pilot entering any port in this country.

Mr. CURRY. There should be a reenactment of the pilotage laws in all of these States which have repealed them?

Capt. PRUETT. That is all right. I am only giving you my idea of safe navigation.

I have heard Congressman Small refer to Nantucket Shoals. If there is a place on this earth where these barges should be in charge of a local pilot, that is one of the places, although they are exempt.

Mr. CURRY. We have no compulsory pilotage on the western coast. I suppose it ought to be restored out there?

Capt. PRUETT. I do not know. I am not speaking for the western coast. My knowledge of the western rivers and harbors is limited. I am familiar with the Atlantic coast.

Mr. CURRY. It is possible that if it is good for New York it is good for California.

Capt. PRUETT. That is possible. Capt. Michell has called my attention that I gave the distance as 100 miles for Savannah. That is New Orleans, up the Mississippi, that I had in mind.

Mr. SMALL. Captain, then, you are in favor of Congress repealing every law in which it has taken jurisdiction of the matter of local pilots and surrendering it entirely to the States, and that each State then ought to restore the old conditions of pilotage?

Capt. PRUETT. No; I am not advocating that. I simply made the statement of what would be for the benefit of safe navigation.

Mr. SMALL. I understand it is your opinion.

Capt. PRUETT. My opinion; that is all.

Mr. SMALL. Do you think Congress ought to repeal the law which exempts steamers from compulsory pilotage where they have a Government licensed pilot on board?

Capt. PRUETT. Oh, no; because that man is perfectly competent to navigate that one vessel. Of course, if he is not, they will very easily find out and take his license away. I had reference to a vessel with one or two or three barges in tow.

Mr. SMALL. Yes.

Capt. PRUETT. And it is when one man has got to stand responsible for the safe navigation of not only the vessel which he commands but the other vessels which he has in tow.

Mr. SMALL. Then that is the law that the master of the tug, who has a tow of barges is responsible for the safety of the tow as well as of the tug?

Capt. PRUETT. Yes, sir. They will hold him responsible if any damage occurs.

Mr. SMALL. Referring to the Government licensed pilots, are they not examined with reference to their knowledge of the local waters?

Capt. PRUETT. Yes, sir.

Mr. SMALL. For which their license is issued?

Capt. PRUETT. Yes, sir.

Mr. SMALL. All licenses cover particular waters, do they not?

Capt. PRUETT. Yes, sir; the pilot's license covers certain districts.

Mr. SMALL. The Government pilot's license?

Capt. PRUETT. Yes, sir.

Mr. SMALL. And they are examined as to the local waters included in that district?

Capt. PRUETT. Yes, sir.

Mr. SMALL. In order to determine their knowledge of the local waters. That is correct, is it not?

Capt. PRUETT. Yes, sir.

Mr. SMALL. You are a Government-licensed pilot?

Capt. PRUETT. Yes, sir; to a certain extent. My license covers north of Hatteras as a pilot.

Mr. SMALL. Yes; I understand you have a Government license as a pilot.

Capt. PRUETT. Yes, sir.

Mr. SMALL. Covering certain waters north of Hatteras.

Capt. PRUETT. North of Hatteras; yes, sir.

Mr. SMALL. Your present home is where?

Capt. PRUETT. Brooklyn, N. Y.

Mr. SMALL. You are at present master of a yacht, are you not?

Capt. PRUETT. Yes, sir.

Mr. SMALL. Of a pleasure yacht?

Capt. PRUETT. Yes, sir.

Mr. SMALL. How long have you held that position?

Capt. PRUETT. I have been a master for fourteen years.

Mr. SMALL. Of a pleasure yacht?

Capt. PRUETT. Of a pleasure yacht; yes, sir.

Mr. SMALL. Tugs with barges in tow are constantly traversing the waters of New York harbor, are they not?

Capt. PRUETT. Those that are engaged in New York towing; yes, sir.

Mr. SMALL. Certainly. And steam tugs with barges in tow frequently come up from the ocean into New York harbor?

Capt. PRUETT. Oh, yes.

Mr. SMALL. And under the law of New York State there is no compulsion on them taking a pilot. Of course, they would not for the steam tugs because they are exempted by the United States law, and there is no compulsion as to the barge?

Capt. PRUETT. No.

Mr. SMALL. And the barges do not take local pilots?

Capt. PRUETT. No.

Mr. SMALL. Now, take Pollock Rip Shoal; you say that is a very dangerous channel. The coastwise shipping going to Boston goes through Pollock Rip Shoal, does it not?

Capt. PRUETT. Yes, sir.

Mr. SMALL. And under the law of Massachusetts barges are not compelled to take local pilots traversing Pollock Rip Shoal?

Capt. PRUETT. No.

Mr. SMALL. Since 1871 every State north of Virginia, including Maryland, Delaware, Pennsylvania, New Jersey, New York, Rhode Island, Connecticut, Massachusetts, New Hampshire, and Maine have abolished compulsory pilotage as to all forms of coastwise shipping, have they not?

Capt. PRUETT. Yes, sir.

Mr. SMALL. And the State of Virginia did likewise, about six or eight years ago?

Capt. PRUETT. Yes, sir.

Mr. SMALL. So that in entering any of the ports of those North Atlantic States there is no State law requiring barges to take pilots?

Capt. PRUETT. No, sir.

Mr. SMALL. How far is Philadelphia from the sea?

Capt. PRUETT. Philadelphia is 90 miles.

Mr. SMALL. And there is no compulsory pilotage law there as to barges?

Capt. PRUETT. No.

Mr. SMALL. Either entering from the sea or up the river?

Capt. PRUETT. No.

Mr. SMALL. How far is it from the ocean entrance, say, to New York?

Capt. PRUETT. Twenty-one miles.

Mr. SMALL. There is no compulsory pilotage there?

Capt. PRUETT. No.

Mr. SMALL. There is a great deal of shipping in New York Harbor, is there not?

- Capt. PRUETT. Yes.
- Mr. SMALL. And it requires a skillful Government licensed pilot on a tug to guide his barges, does it not?
- Capt. PRUETT. Yes, sir.
- Mr. SMALL. To avoid a collision or other casualty?
- Capt. PRUETT. Yes, sir.
- Mr. SMALL. How far is Boston from the sea?
- Capt. PRUETT. About 9 miles.
- Mr. SMALL. About 9 miles?
- Capt. PRUETT. Six from the lighthouse up.
- Mr. SMALL. Barge traffic goes into Boston, does it not?
- Capt. PRUETT. Yes, sir.
- Mr. SMALL. Large quantities of coal are carried to Boston?
- Capt. PRUETT. Plenty of it; yes, sir.
- Mr. SMALL. A large quantity of coal is carried by barges?
- Capt. PRUETT. Yes, sir.
- Mr. SMALL. From out of the Delaware River particularly?
- Capt. PRUETT. Yes, sir.
- Mr. SMALL. And also from Baltimore?
- Capt. PRUETT. Yes, sir.
- Mr. SMALL. These steam tugs have barges in tow?
- Capt. PRUETT. Yes, sir.
- Mr. SMALL. Going through Pollock Rip Shoal?
- Capt. PRUETT. Yes, sir.
- Mr. SMALL. And the barges carry no local pilots?
- Capt. PRUETT. No, sir.
- Mr. SMALL. And the same way from the sea up to Boston?
- Capt. PRUETT. Yes, sir.
- Mr. SMALL. If you simply nod your head the stenographer can not get it.
- Capt. PRUETT. I am agreeing to everything you say, so far.
- Mr. SMALL. How far is Baltimore from the sea?
- Capt. PRUETT. I do not know; I will have to ask. They say it is 120 miles.
- Mr. SMALL. Do any tugs carry tows or barges up to Baltimore?
- Capt. PRUETT. Plenty of them; yes, sir.
- Mr. SMALL. A great many.
- Capt. PRUETT. Yes, sir.
- Mr. SMALL. No State pilot is required there to go on the barges?
- Capt. PRUETT. No, sir.
- Mr. SMALL. You expressed your opinion here as to the advisability of barges having local pilots. Will you give us the name of any master of a steam tugboat whom you have heard complain as to his responsibility?
- The CHAIRMAN. I think that it is unfair to put a man like that under espionage. I do not think that is fair.
- Mr. SMALL. I will ask the general question: Have you heard masters of tugs complain?
- Capt. PRUETT. Mr. Small, I listen to that perhaps three and four times a month in the different meetings of our association, where the troubles and grievances of our licensed officers are aired. I can tell you this, that the captain of one tug told me that only about three months ago he had made 17 trips around Hatteras towing barges—

Mr. SMALL. I do not think I will go into it unless you give the names.

Capt. PRUETT. I can not give the name, because you necessarily know what it means.

The CHAIRMAN. I do not know that it would do that, but at least it might.

Capt. PRUETT. It might; yes, sir. I am simply speaking in a general way. The licensed officers do not feel it is right to impose on them the towing of three barges, but they have to do it.

Capt. MICHELL. I would like to ask the captain a question. The licensed officer, the pilot, is part of the equipment of a vessel, is he not?

Capt. PRUETT. Certainly.

Capt. MICHELL. Have you any facilities for taking soundings in shifting channels on the coast?

Capt. PRUETT. No; we have nothing. We go by the Coast and Geodetic Survey charts.

Capt. MICHELL. On ranges?

Capt. PRUETT. Yes, sir.

Capt. MICHELL. Put up by the Government or pilots?

Capt. PRUETT. Yes, sir; and take our soundings from the charts issued for the pilots. We take that information as being correct.

Mr. BURKE. Are there any statistics showing that since Virginia abolished State compulsory pilotage the number of accidents and groundings in the towing of barges in the harbors from North Carolina north have been greater than in the harbors of those States where compulsory pilotage has existed up to now?

Capt. PRUETT. I could not tell you. I do not keep in touch with it.

Mr. BURKE. Is there any general consensus of opinion that there are more accidents and groundings on the part of barges in ports of Virginia than in the various ports south of Virginia?

Capt. PRUETT. No; I do not think there are. The ports north of Hatteras are, in my opinion, far easier to enter than the ports south, from the fact that the channels are generally open. The channels south—we understand that they are subject to change during very heavy storms. They may not change but a little, but in some cases they may change a great deal.

The CHAIRMAN. If there is nothing further, I have a communication, which I presume the parties wanted me to put in the record, addressed to the committee from Charleston, S. C., dated January 31, 1916, in behalf of Palmetto Harbor No. 74, American Association of Masters, Mates, and Pilots of Steam Vessels, of Charleston, in which it is said that at a special meeting held January 29 the following resolution was adopted:

AMERICAN ASSOCIATION OF MASTERS, MATES,
AND PILOTS OF STEAM VESSELS.
PALMETTO HARBOR NO. 74.
Charleston, S. C., January 31, 1916.

CHAIRMAN MERCHANT MARINE AND FISHERIES,
Washington, D. C.

DEAR SIR: At a special meeting held January 29, the following resolution was adopted, and we beg your earnest support in opposing this bill.

"Resolved, Palmetto Harbor No. 74, A. A. O. M. M. & P., of Charleston, S. C., do earnestly protest against the passage of House bill No. 9678, entitled

'A bill to exempt from compulsory pilotage the barges while in tow of steam vessels navigated by Government pilots.'

Being well assured that the matter of pilotage should, for the best interests of all concerned, be handled by the State authorities and not the national, we are,

Yours, respectfully,

WM. FOX,
Vice President.

Attest:
[SEAL.]

HENRY BAILEY,
Secretary.

The CHAIRMAN. Also a resolution adopted by the Charleston Central Labor Union at a meeting held February 5, 1916, referring to this bill, H. R. 9678, as follows:

CENTRAL LABOR UNION,
Charleston, S. C., February 5, 1916.

Hon. JOSHUA ALEXANDER,
Chairman Committee on Merchant Marine and Fisheries,
Washington, D. C.

DEAR SIR: At the last meeting of the Charleston Central Labor Union, held February 3, serious consideration was given House bill 9678, which resulted in the body indorsing the following resolution:

"Resolved, That Palmetto Harbor, No. 74, American Association of Masters, Mates, and Pilots, of Charleston, S. C., do earnestly protest against the passage of House bill 9678, entitled, 'A bill to exempt from compulsory pilotage the barges while in tow of steam vessels navigated by Government pilots'; being well assured that the matter of pilotage should be handled, for the best interest of all concerned, by the local State authorities and not the national."

As secretary of the Central Labor Union I am instructed to notify you of the above action and to urge you to exert your influence against the passage of the above bill.

Feeling assured that we can count on your assistance in this matter, and assuring you of our appreciation,

Yours, respectfully,

CHARLESTON CENTRAL LABOR UNION,
FRANK J. TORLAY, Secretary.

The CHAIRMAN (continuing). Also a telegram addressed to me dated Savannah, Ga., January 27, 1916, which is as follows:

SAVANNAH, GA., January 27, 1916.

The CHAIRMAN AND COMMITTEE ON MERCHANT MARINE AND FISHERIES,
House of Representatives, Washington, D. C.:

The undersigned, the Board of Pilotage Commissioners of the port of Savannah, earnestly protest against the amendment to section 4444, Revised Statutes, as submitted in favor of exempting coastwise barges from compulsory pilotage, as it is fully realized that the proposed amendment would jeopardize navigation on the bars and rivers in this section, and we respectfully urge that the existing laws governing pilotage be allowed to continue in full force and effect as at present; vessels using inland waterways exclusively should be exempt; coastwise vessels should follow law as it stands.

COMMISSIONERS OF PILOTAGE,
JAS. M. BARNARD, Chairman.
WM. W. WILLIAMSON.
E. A. ARMAND.
VAN B. AVERY.
J. M. MINIS.

The CHAIRMAN (continuing). Also a communication addressed to me by the Hon. D. J. McGillicuddy, of Maine, with the request that

if he is not able to be at the hearing to have it inserted in the record. He states:

COMMITTEE ON WAYS AND MEANS,
HOUSE OF REPRESENTATIVES,
Washington, D. C., February 23, 1916.

Hon. J. W. ALEXANDER,
Chairman Committee on Merchant Marine and Fisheries,
House of Representatives.

MY DEAR MR. ALEXANDER: I expected to appear before your committee to-day to offer an amendment to H. R. 9678, "A bill to exempt from compulsory pilotage barges while in the tow of steam vessels," etc., but another engagement may prevent.

The bill as now drawn is very unjust and unfair toward sail vessels.

I think Mr. Small, the author of the bill, will not object to the amendment I wish to offer. It is as follows:

On page 1, line 13, after the word "barge," insert "or sail vessel"; on page 2, line 1, after the word "vessel," insert the words "sail vessel"; on line 4, page 2, after the word "barge," insert "or sail vessel"; and in line 7, same page, after the word "barge," insert "or sail vessel."

Trusting this will meet the approval of your committee, I am,

Very truly, yours,

D. J. MCGILLICUDDY.

Also a communication from the Savannah Board of Trade of date February 18, 1916, addressed to me, which reads:

SAVANNAH BOARD OF TRADE,
Savannah, Ga., February 18, 1916.

Hon. J. W. ALEXANDER,
Chairman Committee on Merchant Marine, Washington, D. C.

DEAR SIR: Referring to resolutions adopted by the Savannah Board of Trade, January 22, in favor of the bill now pending in Congress to exempt barges in tow of tugs from compulsory pilotage, and the discussion had thereon recently before your committee, I beg to say:

According to our records a request was made by Capt. Frank W. Spencer, representing the Savannah Pilot Association, for a hearing subsequent to adoption of resolutions referred to above. A special meeting of the board of directors was called and the pilots were represented by Capt. F. W. Spencer, Capt. Van B. Avery, and Capt. W. J. Thompson. These gentlemen presented their case at some length, and were given a full and free hearing. After most careful consideration to arguments made by the above gentlemen, the matter was then referred to a special committee from the board of directors and the marine committee of the board of trade acting jointly. After full investigation by the joint committee, and a report thereon to the board of directors, the directors reaffirmed their previous action, and the original resolutions now stand as the sense of the board without qualification. This much is said in answer to any criticisms that have been or may be made.

Very truly, yours,

THOMAS PURSE, *Secretary.*

Mr. SMALL. There has already been a resolution introduced by that board of trade in favor of the bill.

The CHAIRMAN. This is to say, I suppose, that they reaffirm their original action. I have also resolutions adopted by the Philadelphia Chamber of Commerce, of date February 21, 1916, incorporating a letter addressed to me, which reads as follows:

PHILADELPHIA CHAMBER OF COMMERCE,
February 21, 1916.

Hon. J. W. ALEXANDER,
Chairman Committee on Merchant Marine and Fisheries,
House of Representatives, Washington, D. C.

DEAR SIR: At a meeting of the committee on legislation of the Philadelphia Chamber of Commerce, held under date of February 18, the following resolution was adopted:

Whereas there has been introduced in the House of Representatives by the Hon. John H. Small, of North Carolina, a bill amending section 4444, Revised

Statutes of the United States, the effect of which is to exempt compulsory pilotage on barges while in tow of steam vessels navigated by Government pilots; and

Whereas it appears to the board of directors of the Philadelphia Chamber of Commerce that Congress should enact said measures for the following reasons, to wit:

(a) The pilotage charges now imposed are arbitrary charges for a service neither needed nor rendered, as total responsibility rests upon the pilot of the steam vessel towing the barges.

(b) The justice of the abolition of such pilotage charges has been recognized at all Atlantic ports north of and including Virginia ports.

(c) Inasmuch as barges in tow are totally dependent upon steam vessels towing them and, in contemplation of law, a steam vessel towing any number of barges is one vessel, the utter uselessness of additional pilots is apparent.

(d) The compulsory pilotage existing in South Atlantic ports has resulted in a freight rate on barge traffic which in many cases will prove prohibitive.

(e) The elimination of pilotage on barges would result in a phenomenal increase in the amount of freight carried on barges through the inland waterways of the Atlantic coast between northern and southern ports.

(f) The abolition of this pilotage would enable important local industries employing vast numbers of all grades of labor to secure raw materials, particularly southern lumber, much cheaper: Be it

Resolved, That the board of directors of the Philadelphia Chamber of Commerce respectfully petition the Committee on Commerce of the Senate and the Committee on the Merchant Marine and Fisheries of the House of Representatives to give favorable consideration to the said bill amending section 4444, Revised Statutes of the United States; and be it further

Resolved, That the Senators and Representatives from the State of Pennsylvania be respectfully petitioned to support this bill.

HOWARD B. FRENCH, *President*.

Attest:
[SEAL.]

N. B. KELLY, *General Secretary*.

I have had a great mass of communications and resolutions, but, with those exceptions, I think they have already gone into the record.

Mr. SMALL. Have you a resolution by the Norfolk Board of Trade of Virginia?

The CHAIRMAN. I think that has gone into the record.

Mr. SMALL. The resolution of the chamber of commerce did, but not the board of trade. We will look it up.

The CHAIRMAN. Yes; I think that these are all that have been addressed to me that have not been placed in the record by somebody, both pro and con.

Is there any other gentleman who desires to be heard, either for or in opposition?

Mr. SMALL. The advocates of the bill wish to be heard briefly in rebuttal, Mr. Chairman. Will you take it up this afternoon or to-morrow morning?

The CHAIRMAN. I suggest that we meet at 2 o'clock and conclude the hearings this afternoon.

(Thereupon, at 12.30 o'clock p. m., a recess was taken until 2 o'clock p. m.)

AFTER RECESS.

The committee reconvened pursuant to the taking of the recess.

The CHAIRMAN. Let us not have any repetition, gentlemen, in the rebuttal. This record has already assumed very large proportions, and I am very much afraid it will not be read.

Mr. SMALL. Mr. Chairman, the advocates of this bill submit now some additional evidence in rebuttal. I wish to introduce some cor-

respondence. Here is a letter, dated January 8, to Mr. W. H. Von Harten, of Beaufort, S. C., by the Southern Transportation Co.; a reply from Mr. W. H. Von Harten, a pilot, and two statements for pilotage charges on the barge *Monocacy*. I would like to have these letters go in the record. They are introduced for the purpose of showing that the barge *Monocacy* was obliged to pay pilotage charges while crossing Calibogue Sound, which is an inland water, the pilots claiming the right to charge pilotage there because the barge passed from waters of the State of South Carolina into waters of Georgia. These letters will show the contentions of the owners of the barge *Monocacy* (the Southern Transportation Co.) and the contention of the pilots.

(The letters above referred to are as follows:)

JANUARY 8, 1916.

MR. W. H. VON HARTEN,
Beaufort, S. C.

DEAR SIR: We were greatly surprised to receive your bills for pilotage charges on our barge *Monocacy* for the trips to Savannah via the inland waters. We understand that our barge, in making the trips from Chisolm or Beaufort, S. C., to Savannah, followed the inland passage through the Beaufort River, across Port Royal Sound to Scull Creek (the boats did not pass out of Port Royal Sound to the sea), through Scull Creek to Calibogue Sound, passing through Calibogue Sound to the mouth of the Savannah River. Although the State laws may give you the right to charge pilotage on our barges passing out to sea (although it is not possible for you to render any service to our barges when towing behind steamer with United States licensed pilot aboard), you surely do not mean to stretch the meaning of the State pilotage laws to such an extent as to apply on barges taking the inland passage from Chisolm, S. C., to Savannah, Ga., simply because the barges pass out of one State into another. We hope you will consider the matter further before taking any action against our boats.

We do not wish to be arbitrary in this matter, and feel sure that you will appreciate that we must necessarily object to paying a pilotage tax on our barges using the inland passage. We expect to have a large tonnage placed before us to transport from Chisolm Island to Savannah during the next few months, and if we are obliged to pay pilotage charges on the barges transporting the phosphate rock from Chisolm to Savannah we, of course, will be obliged to ask our customers to pay it, as we can not pay the pilotage without increasing our rate of freight. Surely you do not wish to place this unnecessary burden on the shippers and consumers right in your own locality, especially when it is not possible for you to render any service to either the shippers, consumers, or ourselves for the charges or fees you are claiming.

Awaiting your further advices, and with kindest regards, we are,

Yours, very truly,

SOUTHERN TRANSPORTATION CO.
EUGENE W. FRY, *Treasurer*.

BEAUFORT, S. C., January 15, 1916.

SOUTHERN TRANSPORTATION CO.

GENTLEMEN: I received your letter of the 8th. Contents noted. In reply will say that you do not state the arrangement with Capt. Burriss correctly. The proposition Capt. Burriss put to us was this. As he would be unable in the majority of cases to give the pilot 12 hours daylight notice of the sailing of the barges as required by law without detaining said barges and not wanting to keep the pilot from his fee he proposed to pay one deep pilotage. When he needed or wanted us we were to give our services, thereby saving your company the light pilotage. It was for your convenience to avoid detention that we agreed to this. As to the Calabogue pilotage other vessels pay it, and if you continue to carry rock to Savannah you will not be handicapped any more than anyone else. And I beg to say that we are not stretching any law. As I told you before we have been collecting these pilotages for many years. Of course, if you wish to discontinue the agreement made with Capt. Burriss, we shall

put on board or offer services to the masters of your barges both in and out over the bar of St. Helena and in and out over Calabogue Bar. In the event of your refusing to pay said pilotage we shall be forced to take necessary legal steps for the collecting of said pilotages. I have redrawn on you for \$31 for the St. Helena pilotage of the *Monocacy* with voucher attached. If you do not pay this Calabogue pilotage on *Monocacy* simply because we did not offer services to *Monocacy*, thereby canceling the agreement made by Capt. Burriess, we shall in the future take advantage of the privileges given us by law and compel the masters of your barges to deposit their pilotage with the board of pilot commissioners before leaving. In the event of their refusing to do this we will be forced to resort to attachment proceedings. As our business dealings heretofore have been very pleasant we hope that you will not force us to do this for protection of ourselves.

Yours, respectfully,

WM. H. VON HARTEN.

BEAUFORT, S. C., December 6, 1915.

Barge Monocacy and owners pilot boat No. 1 to Von Harten Bros., debtor.

To outward pilotage 10 feet, \$31.
Received payment.

WILLIAM H. VON HARTEN.

BEAUFORT, S. C., December —, 1915.

Vessel's name, *Monocacy*.
Draft out, 10 feet.
Correct.

J. E. BASNIGHT, Master.

BEAUFORT, S. C., December 6, 1915.

Barge Monocacy and owners pilot boat No. 1 to Von Harten Bros., debtor.

To outward pilotage 11 feet, \$35.
Received payment.

WILLIAM H. VON HARTEN.

BEAUFORT, S. C., November 26, 1915.

Vessel's name, *Monocacy*.
Draft out, 11 feet.
Correct.

J. E. BASNIGHT, Master.

Mr. SMALL (continuing). There was evidence introduced in opposition to the bill embraced in the testimony of Capt. J. J. Adkins to the effect that it was necessary for the safety of the barges and the protection of the channel for the pilots to go on the barges in entering the Cape Fear River. That is sometimes designated as Southport. Southport is at the mouth of the Cape Fear River and inside of the bar. In reply to that we submit an affidavit of J. E. Basnight, master of the barge *Monocacy*, and an affidavit of Samuel F. Hughes, who at the time of this affidavit was master of the barge *Catawba*, these affidavits being intended to refute the contention that the pilots regard it as necessary to go on board the barges and operate the barges. I will ask to have these inserted in the record.

(The affidavits referred to are as follows:)

GEORGIA, Chatham County:

Before me personally appeared J. E. Basnight, who, being duly sworn, deposes and says that he is master of the barge *Monocacy*, and has held that position since May 5, 1914; that since that date the said barge *Monocacy* has been en-

gaged between Wilmington, N. C., Chisholm Island, S. C., and Savannah, Ga.; that since May 5, 1914, the said barge has been constantly engaged between those points carrying phosphate rock and fish scrap. The said barge *Monocacy* when loaded for sea draws 10 feet, and when loaded for the inside course draws 11 feet. Deponent further states that he has taken the said barge into Wilmington, N. C., loaded on 25 trips, and has brought her out from Wilmington, N. C., the same number of times. On three of the trips out of Wilmington, N. C., she was loaded and on the other 22 trips she was light. On all of these voyages in and out of Wilmington, N. C., a pilot has not been on the said barge more than three, four, or five times—certainly not more than five times. Deponent has taken the said barge into Chisholm Island, S. C., 30 times and has brought her out from Chisholm Island, S. C., 30 times. On all of the trips out from Chisholm Island, S. C., and on two of the trips into Chisholm Island the barge was loaded. On the balance of the trips into Chisholm Island the barge was light. On none of those trips out from Chisholm Island has a pilot been aboard the barge. Deponent has taken the said barge into the port of Savannah, Ga., seven times and has taken her out of the said port seven times. On the trips into Savannah the barge was loaded and on the trips out of Savannah she was light. On the seven trips into the port of Savannah and the seven trips out of the port of Savannah there were only two occasions when a pilot was aboard the barge to wit, on December 24, 1914, and October 15, 1915. On the trip of October 15, 1915, the pilot was steering and the barge was loaded with fish scrap. He was veering, and deponent told him that if he did not do better he would part the hawser. He did not steer skillfully, and deponent called his attention to the fact that he was rolling the wheel the wrong way. If deponent had not called his attention to the way he was steering he would have parted the hawser and put the barge ashore. Deponent has never felt the need of a pilot aboard the barge *Monocacy*.

Deponent has been barging nine years, and much prefers to handle the vessel himself. Deponent has taken the said barge across the bars at Cape Fear Bar, N. C., St. Helena Sound, S. C., and the Savannah River Bar and Calibogue Sound 124 times during the past two years. Out of those 124 times a pilot has only been at the wheel one time, and that was on October 15, 1915, and deponent was compelled then to call his attention to the mistake he was making in rolling the wheel the wrong way. Once before, in coming into Savannah, to wit, on December 24, 1914, a pilot was aboard the barge part of the time and aboard the tug part of the time. Out of the 124 times deponent has taken the barge *Monocacy* across the bars mentioned above the pilot has not been aboard her more than 7 times. On the trips across those bars, when there was no pilot aboard, deponent has never had any trouble. Deponent can state positively that the Cape Fear pilots do not come aboard every barge.

J. E. BASNIGHT.

Sworn to and subscribed before me this 18th day of February, 1916.

[SEAL.]

JOHN F. LIVINGSTON,

Notary Public, Chatham County, Ga.

My commission expires July 15, 1917.

STATE OF VIRGINIA,

City of Norfolk, to wit:

This day personally appeared before me, Ellie R. Henshaw, a notary public, in and for the city and State aforesaid, Samuel F. Hughes, who after first being duly sworn deposes and says as follows: That he is 35 years of age and has been following the water for four or five years, and has been master of barges for three years; that he is now master of the Southern Transportation Co.'s barge *Catawba*, and has made one trip to Charleston and two to Charleston Harbor; that the trip to Charleston was made in January, 1916, and the two trips to Charleston Harbor were made in May and June, 1915; that a pilot boarded his barge going in but not coming out on his trip to Charleston, but that the pilot did not help him at all, simply sat in the pilot house and talked; that on the two trips made to Charleston Harbor no pilot boarded his barge either going in or coming out. Deponent further stated that he had made one trip to Savannah and one to Southport, the trip to Savannah having been made in May, 1915, and to Southport in January, 1916; that a pilot boarded his barge going in to Savannah, but not coming out; that he did not help at all as there was nothing he could have done—all that he did was eat; that at Southport the pilots boarded his barge going in and

coming out; that three days before the barge was loaded the pilots sent a card for deponent to sign; deponent refused to sign the card, saying that he was not loaded and ready to leave; that three days later when the barge was loaded and ready to sail, a pilot came aboard and wanted deponent to sign so that he (the pilot) could go ashore, telling deponent that he (the pilot) could collect the pilotage whether he went to Sea Buoy or not; that deponent would not sign the card and insisted upon the pilot taking him to Sea Buoy; that the pilot took deponent to Sea Buoy and then deponent signed the card; that the pilot did not assist him in any way as he was not physically able to help him, not being sick but simply not "man" enough; that if deponent had let him steer the barge entirely the barge could not have been kept in the channel, as the pilot did not know anything at all about steering a barge; that deponent has never found a pilot who could steer a barge behind a tug as they did not know how; that the pilots at Southport threatened to "fix" the captain whenever he came back to Southport for insisting upon a pilot going to Sea Buoy, saying that a pilot never had to go to Sea Buoy before.

Given under my hand this 21st day of February, 1916.

ELLIE R. HENSHAW, *Notary Public*.

Mr. SMALL (continuing). The chairman will take notice that I am shortening the record. I do not suppose it is necessary to read them, although they are very interesting.

Capt. Igoo, of Charleston, a member of the Charleston Pilots' Association, made the statement that it was absolutely necessary for the safety of the barges in tow and to prevent the blocking of the channel of his port that the Charleston pilots should go on board the barges. In reply to that I would like to read the following letter:

CHARLESTON PILOTS' OFFICE,
Charleston, S. C., February 7, 1916.

SOUTHERN TRANSPORTATION CO.,
Philadelphia, Pa.

GENTLEMEN: The commissioner of pilotage has taken off the rates of pilotage on barges under 10 feet. In future your barges will not pay any pilotage light, and only \$5 each way loaded; that is, if they do not employ a pilot. And we don't suppose you will want a pilot. We would ask you to make arrangements for us to collect our bill against barges in Charleston, as we have to pay collection charges and postage on all of your checks, and, believe me, every cent counts with us now. Hoping you can make these arrangements, we beg to remain,

Very respectfully,

PILOTS' ASSOCIATION,
GEORGE N. SWAN, *Treasurer*.

I will say that that letter was written by him and received subsequent to the reduction of the pilotage charges made recently at the port of Charleston, S. C., and on which reduction the chamber of commerce modified its former resolution favoring this bill, to which the chairman referred at the session this morning. This is the affidavit (reading):

STATE OF VIRGINIA,
City of Norfolk, to wit:

This day personally appeared before me, Ellie R. Henshaw, a notary public in and for the city and State aforesaid, J. A. Bailey, who, after being duly sworn, deposes and says as follows: That he has been following the water for 25 years and has been master of barges for 16 years; that he is now master of the Southern Transportation Co.'s barge *Kennebec*; that he has made three trips to Charleston, S. C., in said barge and not any to Savannah, said trips having been made in August and October, 1915, and in January, 1916, respectively; that on the first two trips no pilots boarded his barge either in or out, but that on the last trip a pilot boarded his barge bound in, but did not board

her bound out; that on the occasion on which the pilot boarded his barge he rendered no service whatever—merely stood in the pilot house and smoked cigarettes with deponent while the mate of the barge steered behind the tug, the pilot giving no directions whatever; that on the two other trips on which no pilots boarded said barge *Kennebec* a representative of the pilots handed deponent a card for deponent's signature showing the barge's draft, said card certifying the draft of the barge.

Given under my hand this 15th day of February, 1916.

ELLIE R. HENSHAW, *Notary Public*.

Here is another affidavit (reading):

STATE OF VIRGINIA,

City of Norfolk, to wit:

This day personally appeared before me, Ellie R. Henshaw, a notary public in and for the city and State aforesaid, A. M. Hudson, who, after being first duly sworn, deposes and says as follows: He has been following the water for about 36 years and has been master of barges for 12 years; that he is now master of the Southern Transportation Co.'s barge *Suwanee* and has made three trips to Charleston, said trips having been made in March and October, 1915, and in January, 1916; that on the first and last trips pilots boarded his barge inward bound, but did not board it outward bound; that on the second trip pilots did not board her inward bound, but that on each of the first trips secured his signature to his card certifying the draft of his vessel; but that on the last trip he did not have to sign anything; that on the occasion on which the pilots boarded his vessel they rendered no service whatever and there was nothing that they could do, as all that could be done was to steer behind the tug.

Given under my hand this 15th day of February, 1916.

ELLIE R. HENSHAW, *Notary Public*.

The CHAIRMAN. That was at Charleston?

Mr. SMALL. Yes, sir. Capt. Spencer, in his testimony in opposition to the bill, stated in his letter to Capt. Michell that the pilots would have the North Carolina Legislature repeal the recent law enacted by that body, making compulsory pilotage for barges from the Neuse River to Beaufort Inlet. In that connection, I would like to read this letter:

BEAUFORT, N. C., April 9, 1915.

SOUTHERN TRANSPORTATION Co.,
Philadelphia, Pa.

GENTLEMEN: On April 4 and 5 the undersigned "spoke" the barges *Orinoco*, *Juniper*, and *Tampa*, belonging to your company, for pilots, at the Beaufort, N. C., bar. The last North Carolina General Assembly amended the pilot law, making the same applicable to barges. All three of the captains refused to take pilots and also refused to pay the pilotage. We thought that if we notified you of the change in the law that you would pay the pilotage, and also instruct your captains to pay the same hereafter. There is penalty in the law on failure of vessels and barges, refusing to take or pay pilotage. We hope that you will see this in the right light, and send us check for the amounts due, namely, \$22.50 for each barge.

Hoping to hear from you at once, with check for services rendered, we are,
Very truly, yours,

ERNEST GUTHRIE,
WILLIAM FULFORD,
Pilots.

Also this letter:

BEAUFORT, N. C., April 21, 1915.

SOUTHERN TRANSPORTATION Co.,
Philadelphia, Pa.

GENTLEMEN: There was an amendment made to our pilot law recently, which requires barges, etc., when in tow of tugboats, to take a pilot over the bar.

I spoke to one of your barges to-day and the captain said he didn't know what to do about the matter, and asked me to write to you about same. Please wire me at once what you want to do about the matter.

Respectfully, yours,

W. H. SMITH.

Also this letter:

LAW OFFICES ABEENETHY & DAVIS,
Beaufort, N. C., May 4, 1915.

SOUTHERN TRANSPORTATION CO.,
Philadelphia, Pa.

GENTLEMEN: Capt. W. H. Smith, one of the pilots of Beaufort Harbor, has requested me to write to you relative to pilotage due him for services rendered to your barge *Biscayne*. I am inclosing a copy of the branch under which Capt. Smith is working, and you will note the reference to the change in the law. I am also inclosing a printed page from captions of acts and resolutions of the legislature of 1915. Will state that I am the member of the house from this county and had passed this amendment, at the request of the pilots of this vicinity. I also have a certified copy of the act, but the same has not been printed in book form yet. The amount due is \$22.50, and I will thank you to let me have check for this amount, and oblige.

Very truly, yours,

M. LESLIE DAVIS.

Here is an affidavit I should have read, with reference to the statement of Capt. Spencer that it was necessary for the Savannah pilots to go on board the barges to safely navigate the channel [reading]:

STATE OF PENNSYLVANIA,
County of Philadelphia, ss:

Be it known that on the day of the date hereof, before me, the subscriber, a notary public for the Commonwealth of Pennsylvania, residing in the city of Philadelphia, personally appeared Dorry Lloyd, who, being sworn, according to law, did depose and say that he had been following the water for about 23 years and was master of the Southern Transportation Co.'s barge *Cherokee* for nearly three years. While on the barge *Cherokee* he made one trip to Savannah, Ga. On the way to Savannah the pilot boarded the barge about off Sea buoy. The pilot boat hailed the tug, and after the tug slowed down the pilot boat lowered a small boat, and pilot came aboard the barge. While going up the river the pilot stated that he was not familiar with steering one of these barges. The pilot did not offer any information in reference to navigating the barge except to keep her behind the tug boat, which was the only thing I could do. At no time was there any assistance rendered by the pilot nor was there anything he could do. The pilot did nothing except to smoke his pipe and talk in a general way.

DORRY LLOYD.

Sworn to and subscribed before me this 21st day of February, A. D. 1916.

[SEAL.]

J. FRED DE HART,
Notary Public.

Commission expires April 15, 1919.

I desire to submit extracts from the Disaster Book Record of the Philadelphia Maritime Exchange during the years 1913, 1914, and 1915, showing the disasters reported to shipping on the Atlantic coast, not including offshore disasters or disasters in any waters other than along the Atlantic coast.

Of schooners, the total number of disasters was 512, as compared with 58 schooner barges, 24 converted barges, and 3 whaleback barges.

Serious disasters of schooners, 282, as compared with 27 schooner barges, 13 converted barges, 2 whaleback barges, and as compared with 87 steamers.

Vessels totally lost during that period: Of schooners, 64, as compared with 24 schooner barges and 8 converted barges, and as compared with 10 steamers.

Vessels abandoned: Of schooners, 62, as compared with no schooner barges, 3 converted barges, and with 4 steamers.

Lives lost: On schooners, 44, as compared with 13 on schooner barges, 1 on converted barges, and 121 on steamers, being the lives lost on steamers.

Their report says:

There were no losses reported to barges of the class operated by the Southern Transportation Co. during these three years.

Mr. CURRY. Was that on vessels entering and leaving port?

Mr. FRY. All at sea.

Mr. CURRY. All at sea?

Mr. FRY. Only along the Atlantic coast.

Mr. CURRY. That has nothing to do with the pilotage proposition.

Mr. SMALL. I do not understand any of these losses were in harbors?

Mr. FRY. No; it is simply a reply to the assertions in the remarks made at the last hearing concerning the unsafe barge traffic.

Mr. SMALL. Mr. Curry will remember there was some evidence attempting to show that barge traffic was unsafe, dangerous, and hazardous, and this is introduced as combating that contention—this official record.

(The extract above referred to is as follows:)

Extracts from disaster book record of the Philadelphia Maritime Exchange during years 1913, 1914, and 1915 showing all disasters reported to shipping on the Atlantic coast, not including offshore disasters or disasters in any waters other than along the Atlantic coast.

Type of vessel.	Total number of disasters.	Serious disasters.	Minor disasters.	Vessels totally lost.	Vessels abandoned.	Lives lost.
Schooners.....	512	282	230	64	62	44
Steamers.....	230	87	143	10	4	121
Schooner barges.....	58	27	31	24	3	13
Converted barges.....	24	13	11	8	3	1
Ships.....	19	9	10	3	5	4
Whaleback barges.....	3	2	1	1		
Dredges.....	2	2		1		5
Steam barges.....	1	1				
Car float.....	1	1		1		
Lightship.....	4	1	3	1		25
United States naval tug.....	1	1			1	
United States coal barge.....	1	1		1		
Total.....	856	427	429	114	75	213

There were no losses reported to barges of the class operated by the Southern Transportation Co. during these three years.

Capt. MICHELL. Have you the gross number of sailing vessels and steamers? I wish to suggest that of sailing vessels the percentage lost is much greater than the percentage of steamers lost.

The CHAIRMAN. This statement shows it.

Mr. CURRY. That is in this country?

Mr. SMALL. Those are all here. The only advantage that the schooners seem to have over the steamers is in the annual loss of life. But in casualties there are more of schooners and sailing vessels than there are by either steamers or barges.

Capt. MICHELL. Notwithstanding that, there are a greater number of steamers than there are sailing vessels.

Mr. CURRY. What I would like to have for my own information, if any of the gentlemen here has that information, is the number of disasters entering and leaving port and the number that had local pilots on ships and those that did not have local pilots on the ships.

Capt. MICHELL. We have no such record.

Mr. SMALL. Without conferring with gentlemen who are more familiar than I am, I do not know whether we could get any official statement of that kind or not.

Mr. CURRY. That ought to come from the pilots' association, if they have that record.

Mr. SMALL. It ought to come from the opponents; yes. I have here a summary of the record of vessels of the United States merchant marine which were lost in the several years 1909 to 1915, inclusive.

In 1909, of sailing vessels, 155 were lost. Of steam vessels, 122; of unrigged vessels, which include barges, 18; for unrigged vessels, barges, and scows—

The CHAIRMAN. That is for 1915, you say?

Mr. SMALL. That is for 1909.

The CHAIRMAN. I would like to get something more recent, if we could.

Mr. SMALL. This brings it up to 1915.

Mr. FRY. That brings it up to the last record of the Department of Commerce.

Mr. SMALL. This is the last they have. In 1910, of sailing vessels there were lost 179; of steam vessels, 190; of unrigged vessels, 20.

In 1911 there were lost, of sailing vessels, 131; steam vessels, 159; unrigged vessels, 25.

In 1912 there were lost, of sailing vessels, 161; steam vessels, 156; unrigged vessels, 27.

In 1913 there were lost, of sailing vessels, 100; steam vessels, 128; unrigged vessels, 22.

In 1914 there were lost, of sailing vessels, 118; of steamers, 157; of unrigged vessels, 41.

In 1915 there were lost, of sailing vessels, 131; of steam vessels, 172; and of unrigged vessels, 13.

The total in those years, from 1909 to 1915, inclusive, is: Sailing vessels, 975; steam vessels, 1,084; of unrigged vessels, 166.

Of the 166 unrigged vessels lost during the seven years, they are made up as follows:

Scows, 22; harbor and river scow barges, 45; schooner hulls converted into barges, 3; steamer hulls converted into barges, 2; railroad coal barges, 3; Gulf of Mexico barges, 17; whaleback barges, 5; small Pacific coast barges, 15; small lake barges, 12; small inland canal boats, 35; Chesapeake Bay barges, 7.

I am reminded, which is true, that these statistics are not for calendar years, but for the years ending June 30 each year, so that this data for 1915 means up to June 30, 1915.

(The statement above referred to is as follows:)

Record of vessels lost as shown by the blue book—list of merchant marine vessels of United States.

	1909		1910		1911		1912		1913		1914		1915		Total.	
	Vessels.	Lives.	Vessels.	Lives.	Vessels.	Lives.	Vessels.	Lives.	Vessels.	Lives.	Vessels.	Lives.	Vessels.	Lives.	Vessels.	Lives.
Sailing vessels.....	155	259	179	180	131	87	161	100	100	59	113	70	131	121	975	876
Steam vessels.....	122	116	190	167	159	107	156	61	128	140	157	346	172	154	1,084	1,091
Unrigged vessels.....	18	3	20	.....	25	2	27	7	22	2	41	2	13	1	166	17

¹ The 166 unrigged vessels lost during the 7 years are made up as follows:

Scows.....	22
Harbor and river scow barges.....	45
Schooner hulls converted into barges.....	3
Steamer hulls converted into barges.....	2
Railroad coal barges.....	3
Gulf of Mexico barges.....	17
Whaleback barges.....	5
Small Pacific coast barges.....	15
Small lake barges.....	12
Small inland canal boats.....	35
Cheapeake Bay barges.....	7
Total.....	166

Place lives lost:

White Fish Point, Mich.....	2
Twin River Point, Wis.....	1
Beaver Tail Light, R. I.....	1
Port Arthur, Tex.....	1
Fire Island, N. Y.....	5
Plum Island, N. Y.....	2
Barlett Reef, Long Island, N. Y.....	2
Gull Rock, Pamlico Sound, N. C.....	2
Seattle Harbor, Wash.....	1
Total.....	17

I submit to the committee this evidence for the purpose of combating the contention that the navigation of barges is dangerous and hazardous.

The CHAIRMAN. I think in 1910, as I recall, this committee reported out a bill which was enacted into law, making certain requirements with reference to the manning of barges and to the motive power on barges.

Mr. SMALL. And the length of tow.

The CHAIRMAN. Yes; and investing in the steamboat-inspection service the power to limit the length of tows. And all of those provisions have contributed to make the loss of life on these barges less and to make the life of the barge itself greater.

Mr. SMALL. I think its value is borne out by these figures.

I would like to submit, without reading, to be printed in the record, a very interesting article prepared and read by Hon. E. Platt Stratton, supervisor of the American Bureau of Shipping. This is an article read before the fourth annual convention of the New York State Waterways Association, held in Albany, N. Y., on October 30, 1914. Mr. Stratton is still supervisor or at the head of the American Bureau of Shipping.

(The article above referred to is as follows:)

CANAL, INLAND AND COASTWISE TRANSPORTATION.

[Paper read at the fourth annual convention of the New York State Waterways Association, held in Albany, N. Y., on Oct. 30 and 31, 1913, by Hon. E. Platt Stratton, supervisor of the American Bureau of Shipping.]

As the time approaches for the opening of our State barge canal interest increases on the part of those that are to furnish the means of transportation through it, and more particularly in the form, type, or character of boat that can be best supplied to meet all the requirements incident to the conditions of navigation over the very extended routes or lines which this great State waterway will connect or open up between the head of navigation at the western

extremity of Lake Superior, the southern end of Lake Michigan at Chicago to tidewater and the sea; thence along or through the sounds, bays, and their tributaries at the coast to the various points of distribution that may offer the best or most advantageous markets for the consumption and distribution of any cargo of whatever kind, whether of the mine, soil, forest, or manufactory. For it is to be borne in mind that this great waterway is to offer all the advantages of the lowest known cost of transportation between the seacoast and eight of the most important and highly developed States of our entire national system.

The controlling factor in cheap transportation is found largely in the size of the unit constituting that method of transportation and its means of propulsion; for when the limit of time, or the time of fixed deliveries is eliminated, no method of transportation, for distances of 250 miles and upward, has ever equaled the low cost of transportation by the American schooner, which is now being fast superseded by the tow barge of like or larger proportions than its kindred competitor, the schooner, which is rapidly disappearing on account of the unreliability of the time of its cargo delivery and the high insurance rate involved. In other words the seagoing tow barge is superseding all other means for reliability and cheapness in water transportation, more particularly in units of 1,000 tons and upward, which is a condition that is now recognized by the General Government by the enactment of a statute approved May 28, 1908, requiring the hull of every seagoing barge of 100 tons and upward to be inspected at least once in every year by the United States local inspectors of steamboats, who are to satisfy themselves that such barge is of a structure suitable for the service in which she is to be employed, has suitable accommodations for the crew, and is in a condition to warrant the belief that she may be used in navigation with safety to life. A certificate of inspection is then to be issued under sections 4421 and 4423 of the Revised Statutes. The United States Commissioner of Lighthouses, the Supervising Inspector General, and the Commissioner of Navigation under the Secretary of Commerce are constituted a board in perpetuity to fix regulations limiting the length of hawsers between towing vessels and seagoing barges within any of the inland waters of the United States; such regulations when approved by the Secretary of Commerce have the force of law.

It will therefore be seen that the barge anticipated for use on the State barge canal by its size and capacity will have to be a boat of recognized efficiency for the transportation of crew and cargo under all conditions and in no sense a canal boat, which can only be used in quiescent water for canal and light river service, if under 100 tons burden.

The matter of propulsion of whatever type of vessel we consider acceptable, whether propelled by steam, fuel gas, or fuel oil, single, compound, triple expansion, or internal-combustion engines, the fuel expenditure will be commercially about as follows: Steam with compound engines, 2½ pounds of coal per horsepower per hour; steam with triple-expansion engines, 1½ pounds per horsepower per hour; fuel gas, which can hardly be regarded as thoroughly commercial as yet, about 1 pound of coal per horsepower per hour is claimed for it; while fuel oil used in internal-combustion engines, one-half pint or half a pound of oil per hour per horsepower is accepted as possible, but can hardly be regarded as a thoroughly commercial result under all conditions.

It should be noted that from the introduction of both fuel gas, and the direct combustion of fuel oils there is much to be expected to encourage the belief that by 1915, when the State's canals will have been completed, modern engineering will have secured a commercial result that will enable us to obtain under all conditions a horsepower from half a pound of oil or on a probable weight of motor of not more than 100 pounds per horsepower, developed at the shaft or propeller.

From a blue print issued from the State engineer and surveyor office showing the sizes of boats that can be accommodated in the locks at a single locking as follows:

First. Six boats of 98 feet long by 17 by 10 feet deep, 240 tons each, equalling 1,440 tons in all, these dimensions being those of the boats now in use on the canals.

Second. Six boats of 100 by 22 feet in place of 17 feet as in the old boats, 16 feet deep, 550 tons each or 3,300 tons in all.

Third. Four boats of 150 by 22 by 10 feet, 825 tons each or 3,300 tons.

Fourth. Two boats of 300 by 22 by 10 feet, 1,650 tons each or 3,300 tons.

Fifth. One boat of 800 by 30 by 10 feet, 3,000 tons.

These dimensions show the displacement of boats on a given draft of 10 feet, which I assume includes the weight of the boats at the draft given, and must prove the value to the people of the State in advance of the completion of the canal as a basis, for transportation interests, to work upon in designing the coming barges, whether of wood or steel.

Some of my distinguished hearers incline to the belief that this great State waterway traffic will in the future, as it has in the past, be handled in three separate classes of boats, namely, canal, lake, and coastwise vessels, which would necessarily involve three separate breakings of bulk or loadings and unloadings, assuming the line of transit to be over lakes, canal, and coastwise. Our canal system should in every way possible anticipate one continuous method of transit as far as possible in boats of the largest possible size and greatest draft that can safely be accommodated. To do this, the boats must be of modern construction of either steel or wood, for both types will be resorted to, and must possess stability and endurance enough to deal under all adverse conditions of lake, bay, or sound navigation, and be able to transport dry and perishable cargoes safely along the seaboard after having passed through the entire lake and canal system.

Many of the ideas herein enunciated are not altogether new or really original, for there is now in existence a fine object lesson on a much similar field, which completely illustrates the commercial results likely to be attained in lake, canal, and coastwise navigation. I refer to the Southern Transportation Co., of Philadelphia, to whom the writer is indebted for kind permission and authority for his quotations herein referred to. The gentlemen composing the officers and directors of this company were primarily engaged in the wood pulp and paper manufacturing business, which necessitated their owning and operating barges and tugs in the transportation of their own raw materials and manufactured products through the Delaware and Chesapeake Canal, and whenever their own extensive business permitted, they chartered some of their barges in general transportation, which resulted in their constructing and equipping their fleet in such a manner that when the canals were closed, their vessels could be safely navigated on short coastwise routes and in the open sea if necessary. These conditions soon carried them into a general transportation business, chiefly on the Chesapeake and Delaware Bays and the rivers and sounds therewith connected as far south as Washington, Richmond, and Norfolk, and thence through the canals extending further south into North Carolina.

This company now has in the most active operation and under the finest management about 80 barges and a fleet of some 12 tugboats, all built and maintained in rigid compliance with the requirements of the United States statutes previously referred to. To accomplish this the company found it necessary to build their barges on an absolutely flat floor and with comparatively square bilges, similar in shape to ordinary canal boats, in order to give a maximum carrying capacity when in the canals, and also to insure sufficient rigidity to endure when heavily loaded in the open sea, to accomplish which resort had to be made to what is now known in wood construction as log bilges, the floors of such vessels extending in continuous timbers across the keelson from bilge to bilge, where they abut and dovetail into heavy longitudinal timbers, the side timbers being similarly fastened at the bilge, all of which tends to give such vessels one center and two heavy side keelsons, one at each bilge, which gives the vessel great longitudinal and vertical strength and the increased carrying capacity incident to the square bilge, without any loss of strength for service when used in the open sea. In this connection it may be of interest to know that this company owns its own ship yard and builds such a barge 196 feet long 23 feet 10 inches wide, and 12 feet deep every month of the year for its own use.

It should be noted that during the season of canal navigation the Delaware & Chesapeake Canal furnishes a connecting link for an extensive commerce between these two great bays in much the same manner as our State canal will be the connecting link between the commerce of the Great Lakes and the seaboard, at either end of which the commerce far exceeds during the season of navigation, or in seven months of the year, the entire navigation of the Suez Canal a whole year, with the entire traffic of Europe at one end and that of India and China at the other.

The CHAIRMAN. To what does that relate?

Mr. SMALL. It is a discussion of the relation of barges in the coastwise shipping and in inland waters. It is quite interesting.

Capt. MICHELL. Mr. Small, all barge traffic in the coastwise trade is in its infancy, is it not?

Mr. SMALL. In reply, I will say this—

The CHAIRMAN. I would say not.

Mr. SMALL. In the North Atlantic States it is not. Barge traffic has been conducted there on the inland waterways for many, many years; and coastwise trade between Capt Henry and New York, and particularly from the Delaware River to Boston, for quite a number of years. It is more recent in the South Atlantic States.

Capt. MICHELL. Coastwise I refer to only; not in inland waters.

Mr. SMALL. That has been due heretofore, if I may express my individual opinion, which I think is correct, to the menace to coastwise navigation offered by Cape Hatteras. For instance, the Southern Transportation Co., in operating its barges through these inland waterways from Norfolk to Beaufort Inlet, inside of Cape Hatteras, carry their own insurance on their barges and get a very low rate of insurance on their cargoes. Those engaged in the barge traffic outside of Hatteras, between northern and southern ports, find it difficult and must pay a high rate of insurance on their barges, and the same on their general cargo. Is my statement correct?

Mr. FRY. Yes.

Mr. SMALL. The initiation of barge traffic from ports south of Hatteras to ports north of Hatteras, coming inside at Beaufort Inlet, going through this inland waterway to Norfolk, and thence entering Chesapeake Bay, is in its infancy. And it was in relation to that that I made the statement some days ago that it was in its infancy.

In that connection, in answer to Capt Michell's question, the best information I can obtain from men like Mr. Fry, who have been in the barge business for years, is that when this inland waterway from Norfolk to Beaufort is completed, to the project depth of 12 feet and maintained, as it will be, it will result in the building up of a very large barge traffic between those southern ports and these northern ports, carrying products, particularly bulk products, at the lowest possible rates that will compare favorably with the low rates even upon the Great Lakes, which are the lowest water rates in the country.

Capt. PRUETT. Might I be permitted to ask a question in relation to this tabulation of figures?

Mr. SMALL. Certainly.

Capt. PRUETT. Does this show the percentage of casualties on each class of vessel—this tabulation of figures?

Mr. SMALL. Do you mean as to the size of the vessel?

Capt. PRUETT. No; as to the number. It shows the number of losses, but does it show the percentage of each class of vessel?

Mr. SMALL. The percentage could be easily calculated from that. It does not show.

The CHAIRMAN. What he means is this: You say there were, for 1915, say 50 steamers lost, and he wants to know what proportion they were to the total number of steamers in the trade.

Capt. PRUETT. Yes, sir.

Mr. SMALL. No; it does not show that.

Capt. PRUETT. I would suggest that that would be a very good piece of information for the committee.

And also the barge traffic is largely maintained on the Atlantic coast, is it not? There is not much on the Pacific coast, is there?

Mr. SMALL. There is a barge traffic on the Gulf and a great deal on the Lakes. I am not familiar with the Pacific coast. Mr. Curry can tell us about that.

Mr. CURRY. It is not so prevalent on the Pacific coast as on the Atlantic, but it is growing.

Capt. PRUETT. Do not those casualties show the vessels lost on the Pacific as well as on the Atlantic? It is the number lost under our registration, is it not?

Mr. CURRY. As I understand from Mr. Small, that was just on the Atlantic coast.

Mr. SMALL. The statement compiled from the Philadelphia office of the exchange was only on the Atlantic coast.

Capt. PRUETT. Only on the Atlantic coast?

Mr. SMALL. The information compiled from official records of the Department of Commerce embraces the whole country.

The CHAIRMAN. I share the view of my colleague, Mr. Curry, that the information which would be of real value to us is the number of vessels going in and coming out of these ports, whether with or without local pilots, and whether steam, sail, or barges.

Mr. CURRY. So far as this bill is concerned I believe that is the only information that would be valuable.

The CHAIRMAN. I say that is the only information that is of real value to us.

Mr. SMALL. I hold here in my hands extracts from the disaster record book of the Philadelphia Maritime Exchange, which gives in extenso the disasters along the Atlantic coast, of which the statement I furnished to be printed in the record was a summary. This is too bulky to be included in the record, and therefore I do not ask it, but here is the report itself [exhibiting report]. There is, of course, accessible a list of all merchant vessels of the United States, and the information as to the total number is easily obtainable.

The CHAIRMAN. We have the report of the Commissioner of Navigation each year which gives that, but that does not throw any light on this question. I would not want to encumber the record by irrelevant matter.

Capt. MICHELL. There has never been any record, Mr. Chairman, as to whether a vessel was lost going in or out of a harbor with a local pilot on or not. Some years ago a vessel grounded off New York that did not take a pilot. At that time there was no compulsory pilotage, and quite a number of passengers were drowned. Another vessel came along, and a pilot brought the vessel in. The compulsory pilotage feature in New York was then restored. I have that record, but I did not think to bring it here.

The CHAIRMAN. I do not understand you. You say that the compulsory pilotage law in New York has been restored?

Capt. MICHELL. It was abolished at one time on ocean-going vessels, foreign vessels, and they met with a disaster there and six or seven hundred passengers on one ship were lost, and they restored it.

The CHAIRMAN. All ocean-going vessels entering the port of New York are required to take on pilots.

Capt. MICHELL. They were not at that time.

Mr. SMALL. Engaged in the foreign trade?

Capt. MICHELL. They were not at that time. The compulsory pilotage feature had been abolished.

Mr. SMALL. All vessels engaged in the foreign trade have to register. Those in the coastwise trade are enrolled, and all vessels under registry in the foreign trade are required to take pilots. All in the coastwise are exempt from compulsory pilotage in New York.

The CHAIRMAN. Of course; that is in the record a number of times.

Mr. SMALL. Certainly. But we get confused about it.

Now, Mr. Chairman, I would be glad for Capt. Michell to have every opportunity and every courtesy extended him, but when we get diverted in this way it makes it necessary for me to ask a question of the captain.

What vessel was that that was lost?

Capt. MICHELL. I stated I did not have the information. I understand it was the *New Era*.

Mr. SMALL. When and where?

Capt. MICHELL. I have the record in my office. This gentleman is from New York and give the name.

Capt. WILLIAM J. BARRY. The vessel, gentlemen, to which Capt. Michell had reference—there were two of them—one was called the *New Era*. That went ashore on Long Island. The other was called the *John Mentrone*. That went ashore on the Jersey beach.

The CHAIRMAN. How long ago was that?

Capt. BARRY. I will try to remember, sir. I went in the business in 1856, and I think it was four or five years before I went in the business.

The CHAIRMAN. Oh, that is going back to ancient history.

Capt. BARRY. I wish to state at that time compulsory pilotage did not exist in New York.

Mr. SMALL. Was not this *New Era* wrecked in 1830?

Capt. BARRY. Before my time, sir.

FURTHER STATEMENT OF MR. EUGENE W. FRY, OF PHILADELPHIA, TREASURER OF THE SOUTHERN TRANSPORTATION CO.

Mr. FRY. I did not expect to impose upon your time by making a further statement to you, but as certain statements made before this committee by Capt. Frank W. Spencer, master pilot of Savannah, Ga., were incorrect and malicious and reflect on the business or property of the Southern Transportation Co., I feel justified in placing before you the true facts.

Pilot Spencer stated at the last hearing that on July 19, 1915, the barge *Orinoco*, belonging to the Southern Transportation Co., was towed down off of Tybee Bar by Capt. John Brown, where she was anchored. He states that this barge was never built to go to sea; that she was anchored out in the Atlantic Ocean in deep water and that the tugboat captain deserted the barge. He further stated that the captain of the *Orinoco* set signals for the pilot boat to come to his assistance, asking the pilots to stand by the vessel, as he had his wife and child on board the boat and was afraid the boat would founder. I wish to state that this statement is absolutely untrue; that the owners of the barge *Orinoco* never had any report from the captain

of the barge to the effect that the Savannah tug in charge of Capt. Brown had deserted him at sea, or that there had been any difficulty or trouble of any kind whatever. We have since gotten into communication with the captain of the barge *Orinoco*, the boat having arrived at the port of Norfolk yesterday. The record of the last hearings before this committee was shown to the captain of the barge *Orinoco*, and in reply to Pilot Spencer's statements he has made a sworn affidavit before a notary at Norfolk, which I have just received and I ask permission to read it to you. May I read it?

The CHAIRMAN. Proceed.

Mr. FRY (reading):

STATE OF VIRGINIA,

City of Norfolk, to wit:

This day personally appeared before me, Ellie R. Henshaw, a notary public, in and for the city and State aforesaid, Dellie Warder, master of the Southern Transportation Co.'s barge *Orinoco*, who, after being duly sworn, deposes and says as follows: I have read the statement of Capt. Spencer as made before the Committee on Merchant Marine and Fisheries on September 9, 1915, as printed on page 195 in the records of that hearing, and wish to state that the facts therein reported are not the facts in the case, but they are as follows: On July 19, 1915, at 12.50 p. m. the barge *Orinoco* arrived at Tybee Bar at the mouth of the Savannah River in tow of the tug *Protector*. We dropped anchor to await the arrival of another tug, which the captain of the tug *Protector* had advised me that his owners were sending to connect with him to take me in to Savannah. About 4.30 in the afternoon the pilot boat came very close to me and I signaled him to come to me to see if I could make any arrangements to get him to tow me for a reasonable amount, so that I could get in before night. I declined their services, because of the fact that they wanted to charge me \$45 to do what I considered to be about a \$10 job. Since my boat was in no danger, I declined to accept their services, but lay in wait the arrival of the tug. Had my barge been in any danger and I could not have gotten my anchor, I would have buoyed my anchor, slipped the chain, and gone with them. I did not have my wife and child aboard, but only had myself and my two men, which is a full crew for the barge. I have many times lifted my anchor with myself and one other man and could easily have taken it out at this time without the assistance of a third man, although we had him there. I did not ask the pilot boat to stay beside me, nor did I ask any further assistance of them after they had insisted that they would not tow me for less than \$45. I most emphatically deny saying that my barge was not seaworthy, because of the fact that I had thought in the beginning that she was not seaworthy I would not have taken the position as captain of her three years ago and traded almost continuously along the Atlantic coast to different ports between New York and Savannah.

I have been going to sea for a period of eight or nine years and not only think but know the barge *Orinoco* is one of the best and the most seaworthy vessels that I have ever been on. She laid at anchor during the night of the 19th instant and awaited the arrival of the tug on the morning of the 20th instant, which arrived at 9.30 o'clock, and during that time we experienced no difficulties whatever during the night while awaiting the tug.

Subscribed and sworn to before me this 22d day of February, 1916.

ELLIE R. HENSHAW, *Notary Public*.

Capt. SPENCER. Mr. Chairman, with your permission—

Mr. SMALL. I object, Mr. Chairman, he has had his day.

The CHAIRMAN. But he has the right to say a word, I suggest, in reply to that.

Capt. SPENCER. I only want to say a word or two. The letter was submitted to me concerning the facts by one of our bar pilots, a letter which I have now, giving me the facts, and in which he explained that the barge master did make the statements, and that he further

would attempt to shoot the tugboat captain on sight, Capt. Brown, and that he made that statement in the presence of several pilots, for having deserted him in a gale of wind. Now, Mr. Fry knows himself they are forbidden to anchor at sea.

Mr. FRY. I deny that absolutely. It is absolutely untrue.

Capt. SPENCER. Your captain made that statement.

Mr. FRY. That is absolutely untrue, and I can get an affidavit from any captain on any barge we operate to that effect. The representative of the American Shipping Bureau is present at this meeting, which inspects those barges, and they require anchors and chains, without which we can not send those barges to sea, under both their inspection and the Government inspection, unless we have sufficient anchorage and sufficient chains to anchor at sea. And any captain who would refuse to anchor at sea, if necessary for the safety of that barge, I would discharge him in a moment. It is ridiculous to make that statement.

Mr. SMALL. And they all have Government inspection.

Capt. SPENCER. I am not taking issue with you.

Mr. FRY. And as to those owners of the *Tampa*, for instance, which you spoke of, as giving the captains instructions not to anchor at sea, if it was possible to do so for the safety of the barge, they are provided with anchors and chains, for which they are inspected by the Government and by the American Bureau of Shipping, and they tell us what size anchors and chains we shall have on our boats.

Mr. SMALL. The fact is this, if I may interject this statement, that Capt. Spencer made a hearsay statement.

Capt. SPENCER. A signed statement.

The CHAIRMAN. It shows in the record that he was reading what some one else told him.

Mr. SMALL. Here is a statement by a man under oath, by the man who must have known about it, the master of the barge involved.

The CHAIRMAN. The only difference is in one instance you have the statement of the captain himself, and in the other instance a hearsay statement of what a pilot might have said. If the statement of the pilot were made here under oath, like the statement of the captain, when, then, it would be a question of the credibility of witnesses, I suppose.

Mr. SMALL. Yes.

Mr. FRY. I wish to say further, in answer to Capt. Spencer's statement to the effect that the *Orinoco* was not built for sea service, that the boat has been running to sea since she was built in the year 1912, and she was inspected by the American Bureau of Shipping for sea service, receiving their A1 classification and certificate of inspection, a copy of which I have here.

The CHAIRMAN. Let us not put that in the record unless there is some question about it.

Mr. SMALL. I do not think it is necessary, but I will just read this brief summary for the stenographer. It is American Bureau of Shipping and American Lloyds, United States of America. Certificate of classification No. 16098, dated New York, January 15, 1913. It says:

This certifies that the American barge *Orinoco*, of Philadelphia, Pa., of 477 tons register—

And then gives the specifications of her—

whereof the Southern Transportation Co. is owner, was duly served at the port of Philadelphia, Pa., January, 1913, and has been entered in the society's register of shipping, with the class of A-1, for 14 years from October, 1912.

And then there is this memorandum at the bottom:

This certificate is granted with the understanding that the vessel be kept in good repair and be subject to the following surveys during the term assigned, failure to comply with which renders her class herein liable to be canceled or withdrawn.

Mr. FRY. The large was also inspected by the United States inspection service and licensed for sea service on the Atlantic coast. I also have here a copy of the United States inspection license.

The CHAIRMAN. When was she inspected?

Mr. FRY. Her last inspection was March 24, 1913, which expires March 24 of this year, when we will have to have her inspected again.

The CHAIRMAN. That is all, I imagine, that is necessary to go into the record.

Mr. SMALL. I think so, except I might add this, that this shows she contains all the equipment required by law.

The CHAIRMAN. I assume if she was inspected and passed she had complied with the law.

Mr. FRY. This boat has carried many cargoes to sea and has never had an accident of any kind at sea, nor has she ever damaged or lost any part of her cargoes.

Pilot Spencer also stated that he did not think there was any law regulating barges, so far as he knew. He further stated that before he left for Washington he put that question to the United States steamboat inspector, and he stated there was no law governing our barges. I now wish to read to the committee—

The CHAIRMAN. Now why read that to the committee? We have the law. We enacted it in 1910.

Mr. SMALL. Since you have been chairman?

The CHAIRMAN. Oh, no; Mr. Greene was the chairman then. I was a member of the committee.

Mr. FRY. I won't read that. In further answer to Pilot Spencer's statement that our barges were not suited for the South Atlantic trade or for sea service I would state that for several years past we have been operating a large number of barges between Norfolk, Philadelphia, and New York and Sound ports, coastwise, and we have never lost a barge at sea—in fact our barges have never had a disaster of any kind at sea and no lives have been lost from our barges at sea. As already stated, during the last 16 months we have been operating a number of our barges to South Atlantic ports, and so far we have not lost any barges in the South Atlantic, nor have we had any collisions or disasters of any kind. Our barges have always been considered exceptionally good sea boats, and while the barges have continuously carried perishable cargoes, such as cement, fertilizer material, and plaster, I think we can safely state that there has never been a single loss (particular average or general average) on any of the cargoes we have carried on our barges between any of the Atlantic coast ports. I would state further that the sea record of these barges has been so good that the insurance

companies have been giving lower rates of insurance on cargoes carried on these barges than the regular insurance for schooner cargoes or cargoes carried on the schooner barges.

Pilot Spencer stated that Capt. Brown, who is captain of a tug-boat located at Savannah, is interested in getting business for the Southern Transportation Co. I wish to state emphatically that Capt. Brown has no connection of any kind with the Southern Transportation Co.; that I never met the captain, never had any correspondence with him, and never saw him before he appeared before this committee on February 1.

Pilot Spencer also stated that it was necessary for the pilots to go aboard our barges, so as to avoid a possible blocking of the channels, and regardless of the fact that the pilots have been charging our barges the pilotage fees. It has been shown by sworn statements of the various captains of our barges which have traded to the South Atlantic ports for more than a year past that the pilots very seldom went aboard our boats, and when they did occasionally go aboard they did not render any service of any kind, and yet I can now state most emphatically that at no time have our barges blocked the channels or caused collisions while going into the South Atlantic ports.

I thank you, gentlemen.

Mr. SMALL. Mr. Chairman, in this connection I would like to read a letter from Matt V. D. Doughty, consulting constructor, Newport News Shipbuilding & Dry Dock Co., addressed to the Hon. J. W. Alexander, chairman of the Committee on the Merchant Marine and Fisheries. It is dated February 19, 1916, and is as follows [reading]:

FEBRUARY 19, 1916.

HON. J. W. ALEXANDER,

*Chairman of Committee on Merchant Marine and Fisheries,
Washington, D. C.*

DEAR SIR: My attention having been called to recent reflections that have been made upon the barges operated by the Southern Transportation Co., with reference to their construction and seagoing qualities, at the request of the Southern Transportation Co. I beg to express to you my views in that connection.

In February, 1912, I was asked to express an opinion upon the substantialness of the construction of these vessels, and together with several distinguished experts representing the American Bureau of Shipping, I looked into the matter from all angles. I examined barges that had been in use for several years; barges that had just been built, and barges that were in process of construction on the ways, and found that the barges are built in a most substantial manner, of good material, well fastened, and of good workmanship; and that they are of sufficient structural strength for vessels of their class built of wood. These are facts, and having heretofore vouched for them, I now take occasion to address you and your honorable committee on the subject. I venture to say that there can not be found a responsible marine architect, or other competent critic who, after an investigation, will not approve of these barges both on strength and seagoing qualities.

Permit me to briefly describe these barges:

The dimensions of the barges examined by me were: Length, 196 feet; beam, 24 feet; depth of hold, 12 feet at amidships, 17 feet 6 inches at bow, and 16 feet 6 inches at stern. The barges are constructed of the type known as "log bilge;" that is, with a log worked in the bilge, the said log continuing the whole length of the bilge from the stem to the rise of the tuck or stern framing. The framing of the sides and of the bottom or floor are dovetailed lapped into said bilge log forming a scarf. The dovetailed laps or scarfs are securely fastened to the said bilge log, forming a good and substantial

connection. The connections or scarfs of the said side framing are further reinforced by a heavy bilge strake, worked on the inside of the side framing, and on top of the bilge log. This bilge strake is securely fastened edgewise to the bilge log, and to the side framing. The bottom or floor framing is also reinforced by a bilge keelson worked on the inside of the floor framing and against the heavy bilge strake, properly fastened through the floor framing, through the side framing, and through the heavy bilge strake. The connection of the side and bottom framing is further strengthened by the manner in which the side and bottom outside planking is worked. The said planking is so arranged, and is of sufficient width to straddle or overlap the butts of the side and bottom framing where said framing connects with the bilge log. The bilge log, being solid and continuous, enables the fastening in the planking to be distributed in a manner to more firmly secure and strengthen the connections of the floor and side framing to the bilge log.

This construction I consider most desirable owing to the greater longitudinal strength and the advantages of a solid bilge, thus protecting the barge when grounding or coming in contact with the canal banks or other obstructions when performing inside work.

In the course of my investigations I examined two barges lying afloat side by side. One of them was of the "log bilge" type, and the other was of the "futtock bilge" type. In neither of these barges could I detect any evidence of straining or hogging. The rails, hatch combings, decks, and deck framing did not, in any place where I could see, show any defects or evidence of inadequate strength. I was informed at the time (1912) that these barges had been in active service on both inside and outside coastwise voyages during a period of two and seven years, respectively. I am informed that a number of similar barges have been successfully voyaging on the inside and outside coastwise routes for a period of 10 to 11 years, and from what I saw of those barges under construction, and those afloat, they were substantially constructed and of sufficient strength to fully withstand their requirements.

Perhaps I should explain a little more fully the difference between the "futtock bilge" of barge and the "log bilge" type of barge. When they are afloat side by side it is difficult to detect one type from the other. The "futtock bilge" type are constructed similar to the "log bilge" type, except at the bilge, where instead of the framing of the floor and sides being connected by a log at the bilge a futtock is used; hence the name "futtock bilge." In this method the floor and side framing are butted at the bilge, the butts are connected by a knee or a timber overlapping the floor and side framing, thus forming a scarf to each floor and side frame, and bolted to each. This method of construction lacks the longitudinal strength acquired in the "log bilge" method, and in my opinion is not a more substantial construction.

I beg further to state that the flat bottom of these barges do not detract from their seagoing qualities. It is an advantage to a sailing vessel to have more dead rise than a vessel otherwise propelled, the advantage being due to the fact that she is easier in a seaway when under sail.

I find that these "log bilge" barges are constructed of proportionately heavier scantlings and materials than are used in the construction of larger barges of the same class, thus giving them an unusual longitudinal strength. The beam of these barges is in good proportion to their length, and is a large factor in giving them their great longitudinal strength.

In the event that you or your committee should desire to interview me in connection with the foregoing statements, I should be very glad to appear before you upon a reasonable notice.

Yours, respectfully,

MATT. V. D. DOUGHTY,

Consulting Constructor, Newport News Shipbuilding & Dry Dock Co.

Mr. SMALL. I will just ask you this one question: Do you know the reputation of Mr. Doughty?

Mr. FRY. He has an international reputation. He is considered one of the best authorities and experts in the United States, and in fact, has an international reputation as an expert on the construction of steamers or boats of any class.

Mr. SMALL. I have here a letter from Mr. Francis B. Matthews, of Cornell & Matthews, naval architects and engineers.

The CHAIRMAN. Relating to the same matter?

Mr. SMALL. Yes; it is short.

The CHAIRMAN. I do not think it is necessary to encumber the record with so much testimony as that. The whole issue that you are combating now rests on a hearsay statement.

Mr. SMALL. No; these are experts.

The CHAIRMAN. I know, but it is to combat a hearsay statement of what somebody said that the barge was not seaworthy. I think there ought to be some economy in these hearings.

Mr. SMALL. There was a persistent effort to show that the barges interested in this South Atlantic trade were not secure, that they were dangerous to the lives of the men on them. I agree with the chairman, but I am just trying to successfully combat this contention.

The CHAIRMAN. I was not here when Capt. Spencer went on. Mr. Burke was in the chair. If you think it is material, I suppose it can be inserted. It just rests on a nonexpert statement and on hearsay.

Mr. SMALL. It was the statement of Capt. Spencer, who was a pilot at Savannah.

The CHAIRMAN. Did he say they were?

Capt. SPENCER. I did not, Mr. Chairman; I said the masters of those barges had made the statement to us; that was all, sir, and the record will show that.

Mr. SMALL. I do not care to take the time. The record will speak for itself about that. Just as the chairman thinks about this letter.

The CHAIRMAN. What do you say, Mr. Burke.

Mr. BURKE. It is simply in corroboration.

The CHAIRMAN. Let it go in, then; but I would like to keep the record within the limits, so that the absent members would be induced to read it.

(The affidavit above referred to is as follows:)

FEBRUARY 21, 1916.

This is to certify that in January, 1913, we were employed by the Southern Transportation Co. to examine into the construction of their type of barge, and also to prepare drawings from actual measurements and the specifications of a barge then in operation. This was a combination inland and coastwise barge, with coastwise equipment and license. At the time we compiled this data we made careful examination of the vessel, and found her extremely well built and fastened. We formed the opinion at that time that this class of barge was amply strong, and subsequently verified our opinion by careful calculation of the strength of various parts, our calculations showing ample factors of safety. We have also had opportunity of examining barges of the type, and find no evidences of lack of strength under working conditions—the vessels standing up well and maintaining their shape, proving the truth of our opinion and calculations.

At the time we made this set of drawings we were asked by the Southern Transportation Co. to advise them as to the need of changes or improvements in the construction of these vessels, with a view to increased strength. We did not suggest any changes in the method of construction nor in the fastenings, and stated that in our opinion, which was based on the calculations referred to above, the owners might adopt slightly decreased scantlings and increase the distance between the transverse timbers purely as a matter of economy in use of materials, and still have a barge of ample strength for the intended service.

A few months ago we were directed to make up a complete set of drawings on a large scale, showing the construction of the barges of the Southern Transportation Co. in detail, which we understood were for the use of the United States steamboat inspectors, a ruling having been made that all coastwise barges at the time of their annual inspection must file with the inspectors a

complete set of blue prints showing the construction. While engaged on this work we took occasion to visit the shipyard of the Southern Transportation Co., and made a careful inspection of barges under construction. We found the barges were being built to the original specification as to scantlings and spacings, and in no case had any of our suggestions as to reductions been adopted.

On discussing these matters with the owners we were told that they preferred to have the barges built with an excess of strength rather than reduce the factor of safety by making reductions in any part of the work, even though such reductions might be entirely allowable.

We were particularly impressed with the exceptional strength of these 24-foot beam barges while inspecting the work at the yard, and again noted the quality of material, the liberal scantlings, and the thorough fastening of all parts. The fitting of all dovetailed connections at the bilge log was remarkably good, and the quality of the workmanship throughout was unusually good. Our inspection strengthened us in our opinion that these vessels, as built and equipped by the Southern Transportation Co., are suitable in every way for the trade in which they are engaged.

It ought to be accorded a place in this report that at certain places the owners had increased the amount of material used, and had otherwise added to the strength of the barges we saw at the shipyard over the original specification, although we had made no suggestions along these lines. We believed the barges as originally built to be thoroughly seaworthy and of unusual structural strength.

CORNELL & MATTHEWS,
By FRANCIS B. MATTHEWS.

Sworn to and subscribed before me this 21st day of February, 1916.

[SEAL.]

CECELIA P. BASS, *Notary Public*.

(Commission expires end of next session of senate.)

Mr. SMALL. Mr. Chairman, we will now present to the committee Col. Harry Taylor, of the Corps of Engineers, United States Army.

Mr. CURRY. Before Col. Taylor gives us his views, I would like to amplify a statement I made regarding the barges on the Pacific coast. Quite a number of barges are used as lumber carriers, and that trade is increasing. Several hundred barges, possibly four or five hundred, are used in the Bay of San Francisco, San Pedro, Suisun, and on the Sacramento and the San Joaquin Rivers. We have quite a large barge trade on the bays and in the rivers and a growing barge trade on the Pacific, and we have no compulsory pilotage either in Washington, Oregon, or California.

The CHAIRMAN. They used to raft logs down the coast there.

STATEMENT OF COL. HARRY E. TAYLOR, UNITED STATES ARMY, ASSISTANT CHIEF OF ENGINEERS.

Mr. SMALL. Colonel, what is your detail just now?

Col. TAYLOR. At present I am Assistant Chief of Engineers, and in particular charge of the river and harbor projects of the office of the Chief of Engineers; so that all matters relating to river and harbor projects in general go over my desk.

Mr. SMALL. Speaking generally, in what way are improvements of rivers supervised by the engineers of the War Department?

Col. TAYLOR. As a rule, the improvements are carried out on plans which are prepared by the engineers. Congress having appropriated money for carrying on an improvement, the engineer in charge of the district in which it is located is charged with the duty of carrying out that improvement; and he is very strictly charged to carry it out exactly according to the plan which has been presented to

gress. We allow no deviation from the plan which has been submitted to Congress. If any deviation is to be made from that it must be made in accordance with plans submitted to and approved by Congress before the work is undertaken, so that it depends upon me to keep close track of all the work that is done and results obtained by it.

ALL. As to maintenance, what are the duties of the assistant engineers?

OR. In what way do you mean?

Instead of "maintenance" I should have said keeping up the conditions.

TAYLOR. In order to keep informed as to the conditions, of course, it is necessary for him to make surveys. The frequency with which those surveys are made depends entirely upon the conditions of the work. In cases where the channels are rapidly shifting, as at the entrance to some harbors, we make the surveys very frequently. In cases where the channels are fixed, or reasonably permanent, we make the surveys at less frequent intervals. It is always the practice in all of our coast work to make a survey at least once a year, so that in that way we keep pretty well informed always as to actual conditions of the work. By making surveys at intervals, we not only keep informed as to what is actually taking place, but it enables us, by studying the history of the work, as shown by those surveys made at various intervals, to form some sort of an idea as to what is likely to happen in the future. It is upon such surveys as those that we base our plans. In some cases we make surveys every month; in another case at intervals of two or three months; in some cases at intervals of six months, and others only a year apart. In many cases, of course, we do not even have to make surveys as often as once a year. For instance, for a channel through a rock cut, we consider that is a fixed channel and we do not think that is going to change much.

Mr. SMALL. With reference to the bars and entrance to the Cape Fear River, the entrance to Charleston Harbor, Savannah, and Jacksonville, are district engineers located on or near those harbors, whose duty it is to keep up with the condition of the harbor at the entrance?

Col. TAYLOR. Yes, sir. There is an engineer officer stationed at Wilmington, N. C., one at Charleston, S. C., one at Savannah, and one at Jacksonville, and it is their duty to always keep in close touch with all of the conditions relating to the improvements under their charge, and particularly those mentioned. Those are important harbors, and we try to keep in very close touch with the conditions there all the time. These harbors are used by vessels drawing practically the full depth that is available all the time, so that that is another specially important reason for our keeping informed.

Mr. SMALL. You say it is the duty of the district engineer to keep in touch. Will you state whether that includes keeping in touch with the location of the channel and the depth?

Col. TAYLOR. It does; yes, sir.

Mr. SMALL. What can you say as to the entrances from the ocean to these particular south Atlantic ports which you have mentioned, notably Cape Fear, which is an entrance to South Port, and Wilmington, Charleston, Savannah, and Jacksonville.

Col. TAYLOR. In what way do you mean? Do you mean are those channels there shifting?

Mr. SMALL. Have they been improved?

Col. TAYLOR. Oh, yes, sir; those channels have all been improved. All of them had formerly a comparatively small depth there of about 9 to 12 or 15 feet. At the present time the entrance to Cape Fear has a depth of 26 feet, Charleston 28 feet, Savannah 26 feet, St. Johns up to Jacksonville 30 feet. Jacksonville is nearly completed but not quite. Those harbors have all been deepened from depths of 9 to 12 and 15 feet. And in many cases the channels are materially different now than what they were when the work was started. For instance, at Charleston the channel formerly went out of the inner harbor very abruptly and followed down the coast. As it is now we have practically a perfectly straight channel in and out.

The CHAIRMAN. Is that channel dug through sand?

Col. TAYLOR. Yes, sir; it is a sand bar; and it is held in its position by parallel jetties. We have two jetties placed one on each side of the channel so that the maintenance is practically very little expense. We have done almost no maintenance dredging in the Charleston harbor for several years past. We hold it right there by those two jetties.

Mr. SMALL. Is this information as to the location and depth of channels from the ocean into the harbors available to shipowners and masters of vessels?

Col. TAYLOR. Yes, sir; it is. It is published at frequent intervals, and at any time anyone who writes to the district office is always given full information as to the latest conditions of which we have knowledge. We endeavor to keep in constant touch with all the shipping interests, and all the people who are using those harbors.

Mr. SMALL. It does not come under the jurisdiction of the engineers, but I would simply ask this question: Are not the entrances from the ocean to all these harbors marked by day beacons and lighted beacons?

Col. TAYLOR. They are very completely marked by so-called "aids to navigation," which include all sorts of things from spar buoys to lighthouses.

Mr. SMALL. Does not the Coast and Geodetic Survey also make constantly, at stated intervals, a survey of the channels leading from the ocean into those harbors, and publish coast and geodetic charts?

Col. TAYLOR. They publish coast and geodetic surveys at rather frequent intervals; and they depend, to a very large extent, upon our surveys—the surveys made by the engineer department for local improvements. They make all of the general surveys, but as we make all of our surveys at so much more frequent intervals than they do, we furnish them the information; so that in that way, they incorporate that information in with theirs, and use it in publishing their maps. For instance, the Coast and Geodetic Survey map, you will notice, will have a little notation on it that such and such a channel is corrected up to such and such a date, from information given by the Engineer Department. We cooperate with the Coast and Geodetic Survey very fully, so that we furnish them information and they furnish us information, and there is very little work that is done that is duplicated.

I know that a general opinion prevails that we duplicate a great deal of the work of the Coast and Geodetic Survey and they duplicate ours. That is not the fact. We have a very well-defined limit in which we do our work and they recognize that, and they do not overlap it. We have a very good working understanding with the Coast and Geodetic Survey, and I am very glad to get an opportunity to say that.

Mr. SMALL. A good many do not know that.

Col. TAYLOR. I know they do not. There is a great misunderstanding about it.

Mr. SMALL. Will you kindly describe the passages at the mouth of the Mississippi River, about which there has been a great deal of evidence here, pro and con.

Col. TAYLOR. I think perhaps the best way to do it is by this Coast and Geodetic Survey map, which shows the general situation down there. The water of the Mississippi reaches the Gulf through three principal passes—the Southwest Pass, which runs in very nearly a southwest direction; the South Pass, which runs north and a little to the east of south; and then the Pass Alute, which runs off to the northeast. The percentage of water that is carried by these different Passes varies sometimes at different intervals.

In 1908 the Southwest Pass carried 41.4 per cent of the flow of the Mississippi; the South Pass 8.6, and the Pass Alute 50 per cent. In 1915 the Southwest Pass carried 42 per cent. It had gained a little bit, 0.6 of a per cent. The South Pass carried 13.6 per cent. You see that had gained very materially. The Pass Alute carried 44.4 per cent. Practically that means that the Pass Alute had lost and the South Pass had gained at the expense of it.

These passes, as the map shows, are quite straight. The channel, from where it branches out of the river, leaves the Southwest Pass in nearly a straight line out into the Gulf. With the South Pass it is the same way. Those are the two navigable passes. There is little or no navigation through the Pass Alute; at least, it is not an improved pass and has no particular depth of water. While it carries a very large percentage of the flow, it is so scattered that there is no depth.

At the entrance above the South Pass and the Southwest Pass jetties have been built. The jetties at the South Pass were built quite a number of years ago under Mr. Eads, and the jetties at the Southwest Pass have been built under the Engineer Department in the last 10 or 12 years. The South Pass at the present time carries about 32 feet of water through it. The Southwest Pass on the 30th of last June had 28.5 feet. The project for the Southwest Pass provides for a channel 1,000 feet wide and 35 feet deep. We have not yet accomplished that.

The South Pass is approximately 600 feet wide; that is, it varies from 550 to about 850; the average is somewhere about 600 feet. The depth through that is a little bit greater than through the Southwest Pass. At the entrance there are some shoals, but nothing to interfere with navigation to any extent.

I have here some blue prints that show these conditions on the 30th of June [exhibiting blue prints]. These are samples of the maps, and those maps, for instance, are published. This is an extract

from the report of the Chief of Engineers, and in this are published these maps [exhibiting]. This is the map of the South Pass, and here is the map of the entrance to the Southwest Pass. These, as a rule, are published annually in this book.

As will be seen, when we enter the Passes, we have a very good straight channel and it is plainly marked, not only by "aids to navigation," but it is also marked by jetties, which rise above the high-water line all the way along; so that once that Pass is entered there is no difficulty in following the channel.

Mr. SMALL. Are you referring to both Passes?

Col. TAYLOR. Both Passes are practically the same. The South Pass is narrower, and is, therefore, a little easier to follow than the Southwest; although there is no difficulty whatever in following the channel in either one of the Passes.

Mr. CURRY. Does the channel in either or both of the Passes shift?

Col. TAYLOR. A little; not much. In the Passes themselves—in the South Pass—there is practically no shifting of the channel at all. As a matter of fact it can not shift.

Mr. CURRY. Could anyone who got in there go right straight through it?

Col. TAYLOR. Absolutely; they could not possibly get out of the channel unless they deliberately run onto the jetty.

Mr. CURRY. Are they both the same?

Col. TAYLOR. Both are the same thing; they could not get out of it. It seems to me it is as easy to go up that channel as it is to go down the street without bumping into buildings on the side.

Mr. CURRY. There are no bars in it?

Col. TAYLOR. No; sir.

Mr. CURRY. And no chance for a ship to get aground?

Col. TAYLOR. No, sir; not if they keep in the channel; and, as I say, they can not very well get out of the channel without doing it deliberately.

Mr. SMALL. Then, 600 feet in the South Pass, which is the narrower channel, as compared with 1,000 feet in the Southwest Pass—600 feet is ample to allow the large vessels to pass each other?

Col. TAYLOR. Plenty; yes, sir. As a matter of fact about 87 per cent of the deep-draft vessels use the South Pass at the present time, and only 13 per cent use the Southwest Pass.

Mr. CURRY. Is there any acute turn at the entrance to the Pass from the Gulf, or is there any acute turn from the Pass into the Mississippi River?

Col. TAYLOR. No, sir; there is not. Into the entrance of the Southwest Pass there is no turn whatever. You can go straight out there. From the South Pass the channel is a little to one side for the deepest draft; but anything drawing up to 18 feet can come in in almost any direction as long as they keep within the prolongation of the jetties. If the got too far out to one side they might get into shoal water, but they would have to be a very considerable distance out of the channel—that is, a vessel drawing anything less than 18 feet.

The CHAIRMAN. I think it has been stated here that sometimes mud bars form at the mouth of the jetties very quickly.

Col. TAYLOR. Mr. Chairman, we have heard a great deal about the mud bars, and they do form. We have dredges constantly working

down there at both the Southwest Pass and the South Pass, and they find out inside of 24 hours if any such thing has happened. That is the place where we are probably as well posted as to the changing conditions and keep as close touch with conditions as any place in the country. Relatively speaking, we consider that extremely easy of entrance. There are few harbors on the coast where there is a straighter and better channel to enter; as a matter of fact, the greater difficulties are in the navigation of the Mississippi River. The greatest difficulties are not in the Passes or in their entrance; it is after they get out of the river or get into the river and go up. Then, the river is much wider and there is more current, and on account of the fogs there it is not a particularly easy thing to keep going up and down the river. It is not nearly as easy as it is in the Passes. I can speak from my own experience of that. I was down there about two years ago, and as we started down the tug from New Orleans had got along pretty well until we got, I suppose, 25 or 30 miles from the Passes, when we ran into a fog.

Mr. SMALL. Up the river?

Col. TAYLOR. Up the river, 25 or 30 miles from the Passes. We had to slow down and to feel our way very carefully down until we got into the entrance of the Southwest Pass; but after we got in the Southwest Pass we had no difficulty at all and went right ahead, and close enough to shore so that we could see the shores on each side. It was a low-lying fog, and we could see from the pilot house the trees on each side, and the captain on the tug, although not a pilot, knew the trees alongside as well as I know the houses on the block where I live.

The CHAIRMAN. Of course, the problem before the committee is whether or not it is necessary to safe navigation in those entrances through the jetties to the river and in the river to New Orleans to have pilots who are familiar with the local conditions. And in Louisiana they have a system of compulsory pilotage which seems to be fostered there commonly in the interests of the pilots and in the interests of the commerce of the port, and they regard it as necessary. Taking all the conditions that exist there, would you say it would be wise for this committee to pass a law which would abrogate the law of the State of Louisiana, so far as it would require compulsory pilotage on certain classes of vessels or on all classes of vessels entering that port—not foreign vessels, because all foreign vessels must carry pilots now, but schooners and barges in tow?

Col. TAYLOR. That is a very broad question, Mr. Chairman. I should hate to think so.

The CHAIRMAN. That is what we have to determine.

Col. TAYLOR. I should hate to think so. It would be possible for you to pass such a law abrogating all compulsory pilotage, and there is no question but what certain vessels coming in there ought to have pilots. For instance, a man may not have been in there for 20 years, and he certainly ought to have a pilot. I can give an instance of that that once occurred in the Boston district in Massachusetts. I was in charge of the Boston district and I had a complaint that somebody had run on the breakwater at Gloucester. I investigated it, and the captain said he knew the channel; he said he had been in there 30 years before. However, in the meantime, 20 years before this accident, we had built a breakwater of 15 feet above high water.

He tried to sail over the breakwater. He said he saw the light there and he steered for the light, because they used to steer straight in the last time he was there. Now, had he taken a map, he would have seen that a breakwater had been built there. It might be that a steamship would come in with a captain perhaps not quite as bad as that, but who is entirely lacking in the information about the local conditions, and certainly there should be a pilot available for him to take.

As to the question of barges, it is inconceivable to me why a barge should need a pilot if the tug does not. All the barge has got to do is to follow the tug. Whether it is wise or not to compel the captain of the tug to take a pilot, it seems to me it is a very simple question as to whether or not the barge should. If there is to be a pilot anywhere, in my opinion he should be on the tug and not on the barge.

Mr. SMALL. You understand that under the law steamers, including steam tugs, are exempt from State compulsory pilotage?

Col. TAYLOR. Yes, sir; I do.

Mr. SMALL. Where they have a Government-licensed pilot?

Col. TAYLOR. I do; yes, sir.

Capt. MICHELL. I would like to ask you if you recognize that as one of the charts of your department [exhibiting blue print]?

Col. TAYLOR. Yes; that is a Government chart that is made in the New Orleans office.

Capt. MICHELL. You see here that right off of the jetties there is a shoal?

Col. TAYLOR. Yes; that is right. Probably as soon as that shoal was reported to us it was promptly surveyed and reported.

Capt. MICHELL. This book that you presented here, what is the date of that?

Col. TAYLOR. That is June, 1915. This map was made in June, 1915. This was made in August. That illustrates the point that I was making a while ago, that we keep in as close touch as possible with the conditions there.

Capt. MICHELL. Yes. You stated that a vessel 18 feet could come off the Passes and enter right in here [indicating on chart]?

Col. TAYLOR. That is right, according to the map that I had. According to this map, he could not. That is right.

Capt. MICHELL. I just wanted to show the changes. Now, here is the map for the Head of the Passes [producing blue print].

Col. TAYLOR. Yes.

Capt. MICHELL. There are the soundings, 17 feet right in the middle of the river.

Col. TAYLOR. Yes; but there is a good channel up each side. That is right; and that is one of the troublesome places, one place where we are having more trouble than anywhere else, that shoal right there at the Head of the Passes; but when they get up in here they are out of the place where they have to have a pilot.

Capt. MICHELL. At the mouth of the South Pass—did you have a dredge there about two or three months ago?

Col. TAYLOR. I do not know how long since there has been a dredge at the mouth of the South Pass. We have three dredges down there available for work all of the time.

Mr. CURRY. They are put wherever they are needed?

Col. TAYLOR. Yes, sir.

Mr. ROWE. Do they require pilots in this section?

Col. TAYLOR. I think that is above the place where they require pilots.

Capt. MICHELL. No, sir; at Pilot Town. This is a sand wave in the middle of the river [indicating on chart].

Col. TAYLOR. Yes; Pilot Town is up above there.

Capt. MICHELL. On this chart here [producing chart], would you recognize the entrance range there?

Col. TAYLOR. This is the entrance range [indicating].

Capt. MICHELL. It is not straight off; that is away off here to one side?

Col. TAYLOR. Yes, sir; that is a little off.

Capt. MICHELL. When a vessel comes in here the current strikes here on the bow head on, on the starboard side?

Col. TAYLOR. Yes.

Capt. MICHELL. Have many vessel been reported to your department aground on the west jetties?

Col. TAYLOR. There have been quite a number; yes.

Capt. MICHELL. A number of them lost there, do you know—sailing vessels?

Col. TAYLOR. Not in recent years. There have not been very many.

Capt. MICHELL. There have not been many sailing vessels coming there?

Col. TAYLOR. No.

Capt. MICHELL. Do you know anything about the counter currents in the Passes?

Col. TAYLOR. Captain, I am not locally familiar with that. I have been down there, but I have not been stationed there myself.

Capt. MICHELL. Then your statement about the barges is a little doubtful?

Col. TAYLOR. No, sir; I have not doubt about it whatever.

Capt. MICHELL. That the barges could come through there in the counter currents?

Col. TAYLOR. I say if the tug does not require a pilot, the barge certainly does not.

Capt. MICHELL. Did you know that one of the barges had grounded at the west jetties?

Col. TAYLOR. It does not affect my statement at all.

Capt. MICHELL. It was some years ago, and it discharged its oil there.

Col. TAYLOR. That does not affect my statement at all.

Mr. ROWE. Was the tug grounded, too?

Capt. MICHELL. No; they had two tugs on the vessel—on the barge—towing one on each side, and the counter currents affected it to such an extent that they were pulled right straight astern.

Col. TAYLOR. Did the barge have a pilot on it?

Capt. MICHELL. No.

Col. TAYLOR. They did not keep it off then?

Capt. MICHELL. Not at that time, they did not; but the insurance people required it after that. You have never handled a vessel, have you, Col. Taylor?

Col. TAYLOR. No. I do not have a pilot's license, but I have been in charge of river and harbor work for some 30 years.

Capt. MICHELL. There is no question about that.

Col. TAYLOR. And I have spent a great deal of my time on vessels, and, as a rule, when on vessels I spend a good deal of time in the pilot houses endeavoring to keep in touch with the captains.

Capt. MICHELL. I just wanted to question your unerring ability to judge as to whether a vessel or barge should have a pilot or not.

Col. TAYLOR. I do not claim to be unerring, Captain. There is one thing to which I would like to draw your attention. Capt. Michell speaks of the difficulties of entering the Mississippi. It is true that there is some difficulty there. However, as I say, relatively it is an easy entrance. I would like to draw your attention to the comparative difficulties of the Pollock Rip Channel. Are you familiar with it, Captain?

Capt. MICHELL. No, sir.

Col. TAYLOR. The Pollock Rip Channel is off the southern coast of the east point of Cape Cod, or, rather, it is just southwest of the eastern end of Cape Cod.

Mr. SMALL. And all coastwise vessels bound for Boston use it?

Col. TAYLOR. I can not say that, Mr. Small, but during the year 1914 we had a dredge there working in the channel. They had instructions to keep track of the commerce passing through that channel as well as they could; and during the daylight hours of the year, during the time that dredge was there, she counted 5,160 steamers, 4,380 sailing vessels, and 7,698 barges. We estimated that the commerce there—

Mr. SMALL. Was that for the full year?

Col. TAYLOR. That was for a full year for the portion of the time that the dredge was there. She was not there all of the time; she was there a greater part of the time, but during the night she could not keep track of them very well. We estimate the tonnage going through that channel is over 20,000,000 tons a year, which is a very large part of the barge commerce that goes to and from Boston. There are large tows and a great many of them. To navigate that channel they run on a course nearly northeast, and then they make an angle and run off to the southeast, and then they turn and run due north. It is a Z course that they run on. And there they do not compel the barges to take pilots.

Mr. BURKE. How wide is that body of water?

Col. TAYLOR. The body of water is pretty wide. In fact, it is the open sea.

Mr. BURKE. How wide is the channel?

Col. TAYLOR. The channel is very narrow. I can not give you the width of it because it varies. But they start from what is known as the Handkerchief Light Vessel, and they make across nearly northeast and make what is known as the Shovelful Light Vessel. If the vessel misses her turning point by three minutes she is on the shoal one way or the other. If she overruns she goes onto what is known as ——— Shoal; if she underruns she goes onto Stone Horse Shoal. Then, after she makes this turn to run for the Pollock Rip Light Vessel, there she has to make another turn, and she has not very much more latitude in making the turn there than she had in the other place. There are a great many casualties and a great many accidents which occur in that channel. The principal part of the accidents come from the fact that the fog comes down and all of the sailing vessels must anchor wherever they are. They do not attempt to run

through heavy fogs there. The steamers, on the other hand, do continue to run, and they have to run, of course, at their regular speed, in order to maintain their reckonings, and the result is they are very apt to run into a sailing vessel or tow, or something of that sort, and that is why a great many accidents occur there. Mr. Greene knows more about that than I do.

Mr. SMALL. Mr. Greene is the father of the movement there for the improvement of that channel.

Col. TAYLOR. Yes, sir; I know it. The vessel interests navigating that sound asked us to dredge a channel a mile wide and 30 feet deep. We had this dredge up there for about two years experimenting to see whether we could get such a channel as that through there, and we came to the conclusion that we could not get a channel of those dimensions at any reasonable cost; that it would be an enormous cost, not only on account of the width and depth of the channel, but also on account of the shifting nature of the bottom. We found, however, we could make very material improvements by dredging off the point of what is known as Stone Horse Shoal, so that gave a much wider latitude and more room to turn in. As I said, the limit of range is something like three minutes either way. By dredging off the point of the shoal we gave three or four times as much room to turn in as they had.

I call your attention to that simply to show the relative difficulties of navigating that channel and the kind of commerce using it and the difficulties of entering the Mississippi River.

Mr. SMALL. How do they compare as to the difficulties of navigation?

Col. TAYLOR. There is no comparison whatever, in my opinion.

Mr. SMALL. In what way?

Col. TAYLOR. The Pollock Rip Channel is very much more difficult of navigation. You not only have these very sharp turns there, out at a considerable distance from land where you do not have as good markings, but you have more fogs and have strong currents, very changeable and strong currents, and it is an extremely difficult and dangerous place to navigate, probably one of the most difficult and dangerous of any of the channels which is navigated to any large extent on the coast. Many of the tows there—in fact, the regular practice of the large tows is for the tug to take three barges; that is the limit they are allowed by law; and they take those three large barges and navigate through there regularly. As I say, we estimate that 20,000,000 tons of commerce go through.

Mr. SMALL. Millions of tons of coal are carried to Boston?

Col. TAYLOR. Yes, sir; it all goes through there, practically.

Mr. BURKE. Another question, please, in that connection: How does the amount of silt and sediment carried by the current in this Massachusetts body of water compare with the amount of silt and sediment carried out at the mouth of the Mississippi?

Col. TAYLOR. It is practically in the open ocean there, so there is no sediment in the water. The whole bottom of the channel is shifting, however.

Mr. BURKE. Is there not a great deal of trouble at the mouth of the passes of the Mississippi because this sediment that is carried down by the ton is suddenly lodging in this spot and that spot?

Col. TAYLOR. No, sir; it is not the sediment that causes the trouble, it is what Capt. Michell refers to as the mud lumps. The sediment would be a very gradual change that would go along and be a steady change for months and months and there would be no particular difficulty in keeping track of those formations.

Capt. MICHELL. These sand waves here, they move down 150 feet a day—down the river?

Col. TAYLOR. That is behind the breakers. We have watched that for a long time; for months and even years we have been watching the progress of that bar. There is nothing on that shoal, though, Captain, that would interfere with the barge, as far as I see it now. The depth there is 20 feet.

Capt. MICHELL. Suppose the barge draws 30 feet?

Col. TAYLOR. Are there any barges of that kind that you know of?

Capt. MICHELL. Almost all of the barges coming to the port of New Orleans—

Col. TAYLOR. Coal barges?

Capt. MICHELL. No, sir; the oil barges.

Col. TAYLOR. I am not familiar with the oil barges. The barge drawing 30 feet, of course, if she goes on that shoal would strike the bottom.

Capt. MICHELL. There is a 17-foot shoal there?

Col. TAYLOR. Where do those oil barges come from?

Capt. MICHELL. They come from Sabine and from Baton Rouge.

Col. TAYLOR. They come from Sabine. How much water have they into the Sabine Pass?

Capt. MICHELL. I do not know.

Col. TAYLOR. Have they got 30 feet?

Capt. MICHELL. No.

Col. TAYLOR. No; they have not. They have got 25 feet.

Capt. MICHELL. I think they have about 20.

Col. TAYLOR. So that your 30-foot barge would have difficulty in getting in in 20 feet in the Sabine Pass.

Capt. MICHELL. They carry the oil out. They have it lightered to them there, I believe.

Col. TAYLOR. No; they do not, they go up to Port Arthur and load. As a matter of fact, they have 25 feet at Sabine.

Capt. MICHELL. Do you understand the soundings here, Colonel [indicating on chart]?

Col. TAYLOR. Yes; I think I know a sounding when I see it.

Capt. MICHELL. I did not mean to say you did not. If you will notice there, you jump from 5 fathoms into 5 feet.

Col. TAYLOR. Yes.

Capt. MICHELL. From one sounding to the other.

Col. TAYLOR. No; not on a large-scale map you would not, Captain. You would on this, but this is an extremely small-scale map. You know a man does not navigate by that chart. Here is the map that he would be more likely to use, something like this, and there are a great many soundings between 5 fathoms and 5 feet [exhibiting chart].

Capt. MICHELL. I admit that. This shows the pass itself?

Col. TAYLOR. Yes.

Capt. MICHELL. And this shows the approaches to the Passes?

Col. TAYLOR. Yes; I understand that.

Capt. MICHELL. I have endeavored to show, if you go in there and you have to hard aport with the vessel, that you would not understand the effect of the current on the vessel.

Col. TAYLOR. The captain of a tug does not have to take a pilot, and the captain of the tug is probably reasonably familiar with the entrance, is he not?

Capt. MICHELL. Not with the currents. Are you aware that every tug with a barge going into the South Pass is assisted in by the pilot's tug, that the tugboat is not able to tow the barge in by itself, and that the pilot boat tows nearly all of them in there?

Col. TAYLOR. At all seasons of the year?

Capt. MICHELL. At pretty near all.

Col. TAYLOR. During low river, not during high water?

Capt. MICHELL. No; more especially during low river. A sailing vessel or barge going in there, drawing 12 or 15 feet, for instance, is caught in the counter current, and that holds the vessel in a vise, so to speak, and she can not make any headway at all. Sometimes they have three or four boats on a sailing vessel, and with that power they can not move her in the passes. Were you aware of those facts?

Col. TAYLOR. No; I was not, Captain. I know nothing about that, but I have been down there and am reasonably familiar with the conditions there.

Capt. MICHELL. I have read letters from Capt. Donovan——

Col. TAYLOR. I did not know it took four or five tugs to move one sailing vessel through there. It must be some current?

Capt. MICHELL. It is. I have been 21 hours going $2\frac{1}{2}$ miles, with two tugs.

Col. TAYLOR. What is the maximum current through there, Captain?

Capt. MICHELL. I think now it is between 5 and 6 miles an hour. When it is low tide it has a greater flow.

Col. TAYLOR. What is the maximum current at any time through there?

Capt. MICHELL. About 7 miles.

Col. TAYLOR. It would not take three or four tugs, I do not think. Seven miles is pretty high.

Capt. MICHELL. I said that when there was no current at all on the surface.

These letters, by your assistance, have been read before this committee, written by Mr. Donovan, stationed at Port Eads, and Mr. Washburn. It is evident that you do not know anything about this condition at the mouth of the river, as far as the current is concerned.

Col. TAYLOR. I can not admit that, Captain.

Capt. MICHELL. I wrote to your assistants there for the same information.

Col. TAYLOR. I can not help that; I can not admit I do not know anything about it.

Capt. MICHELL. About this counter current?

Col. TAYLOR. I can not admit that, either; I do know something about it.

Capt. MICHELL. How often have you been down there?

Col. TAYLOR. I have been down there once.

Capt. MICHELL. Once?

Col. TAYLOR. But I have examined the maps and see the reports almost every day.

Capt. MICHELL. And naturally you would think the conditions would permit any vessel to go in and out there with safety?

Col. TAYLOR. No, sir; I do not think so. I never said so.

Capt. MICHELL. These barges are hard to navigate.

Col. TAYLOR. I never made any such statement as that. On the contrary, Captain, I would most decidedly say that is not correct. I did not say so.

Capt. MICHELL. You said these barges could go in and out.

Col. TAYLOR. No; I did not say so.

The CHAIRMAN. No; you did not hear the colonel's answer to my question, I think, or did not understand it.

Capt. MICHELL. I understood that the colonel thought there was no necessity for pilots on these barges entering the pass.

Col. TAYLOR. No.

Capt. MICHELL. And I tried to show he is not familiar with those conditions, because he is located here, any more than a man could be by looking at this chart, which gives 62 feet where this one gives 17 feet.

Col. TAYLOR. That is an old chart, though, Captain. I would not recommend anybody to go on a chart as old as that. He might have difficulty, as I said to you about the man going into Gloucester; he might find a stone breakwater which had been built there for 20 years.

Capt. MICHELL. Yes, sir; I was asking the questions because it is very evident to me that you are not familiar with the conditions of navigation there.

Col. TAYLOR. I am familiar with the conditions there, Captain. As I said at the start, I do not claim to be a pilot and would not want to attempt to take a vessel into the mouth of the Mississippi River. I should think I would be taking a long chance. But I am generally familiar with the conditions there. Nothing you have said affects at all the statement I made that, relatively speaking, it is not a difficult entrance.

The CHAIRMAN. Is there anything further?

Mr. SMALL. Just one question. Colonel, from what ports, if you can say, does the Texas oil come that goes to New Orleans?

Col. TAYLOR. A very large part of it comes from Sabine; that is, it comes out of the Sabine Pass.

Mr. SMALL. They use the Port Arthur Channel?

Col. TAYLOR. They use the Port Arthur Channel.

Mr. SMALL. What is the maximum depth of that channel?

Col. TAYLOR. The project, as I remember it, is 25 feet. At the present time it is very close to that. It is not quite 25 feet, but, as a matter of fact, about 24 feet, I judge it is.

Mr. SMALL. So that a 30-foot barge could not go in and out?

Col. TAYLOR. Never.

Mr. SMALL. Is there anything else you think of, Colonel, in this connection?

Col. TAYLOR. No; I think it has been covered pretty thoroughly.

Capt. MICHELL. If there is any question about the draft of the barges passing through here, I can furnish this committee with the correct draft from our books.

The CHAIRMAN. We will determine that later.

Are there any other statements on your part?

Mr. SMALL. I would like to have Capt. Proctor make a brief statement.

**STATEMENT OF CAPT. JOSEPH W. PROCTOR, 66 BEAVER STREET,
NEW YORK, SURVEYOR OF WOODEN VESSELS AND HULLS.**

Mr. SMALL. What is your present occupation?

Capt. PROCTOR. I am a surveyor of wooden vessels and hulls.

Mr. SMALL. Representing what organization?

Capt. PROCTOR. The American Bureau of Shipping.

Mr. SMALL. What are the duties of a surveyor?

Capt. PROCTOR. To see that the standard required by the rules of the American Bureau of Shipping are lived up to in the vessels that are classed in that bureau and for which certificates are issued.

Mr. SMALL. Have you ever followed the sea?

Capt. PROCTOR. Yes, sir.

Mr. SMALL. For how many years?

Capt. PROCTOR. I was 12 years in command of sail vessels and 8 years in command of ships of the Clyde Line, on the Atlantic coast.

Mr. SMALL. In the Atlantic coast service?

Capt. PROCTOR. Yes, sir.

Mr. SMALL. Are you familiar with the North Atlantic ports?

Capt. PROCTOR. Yes, sir.

Mr. SMALL. How about the South Atlantic ports?

Capt. PROCTOR. Well, I hold a pilot's license for New York, Boston, Gay Head Boston, Charleston, St. Johns Bar and River, and in my experience I have been in most of the southern ports one or more times. So I think I am familiar with the conditions of ships navigating those rivers and the bars.

Mr. SMALL. You may proceed with the statement you had in mind.

Capt. PROCTOR. I have given considerable study—in fact, have been sent by our bureau practically all over the Atlantic coast from West-lake, Miss., down to Maine in the interests of constructing barges of a type that is suitable for the inland waterways south of Cape Hatteras. During my time in the Clyde Line they started to build steamers with a view of competing with and taking the business that was being done by the schooners south of Cape Hatteras, which they did successfully, and in the southern ports—the principal ports of the South. These steamers have practically succeeded in eliminating the schooners. It is very hard work under normal conditions for a schooner to earn a fair profit. But for the commerce of the South—the lumber that comes out of there and a great deal of the commerce that goes in the smaller ports—while the Government has improved the bars in a great many cases and, in most cases, they have more water over the bars than in the rivers, as in the case of the St. John's River, and the water over the bar is deeper, and you can navigate a vessel of deeper draft over the bar than you can up the river—it becomes necessary in the smaller rivers, as the mills go farther back to find light draft vessels, to go into those rivers and bring out the commerce and carry it into the cities situated on those smaller rivers.

Mr. SMALL. You are referring to the South Atlantic?

Capt. PROCTOR. I am referring to the general conditions south of Cape Hatteras. Take the Neuse River and from there right south to the St. Johns, or wherever the Government has improved the inside waterways south of Cape Hatteras—I have made a very careful study in the last 12 years of types of barges that can navigate that inside waterway and go into those smaller southern rivers and their branches up to the mills and carry out and bring in commerce. Now it is possible to construct a barge that will carry the same amount that a schooner would carry on a 25 to 40 per cent less draft than a schooner or a steamer can do it. Then, as I have said before, I have made a very careful study of those barges, and one type in particular that I followed out is the Southern Transportation Co.'s barges. I speak of that particular case because they have always shown a disposition to build their vessels up to the full requirements of our rules and to live up to them after they have built them, so that we can feel safe in saying when we have classified one of those barges they will be kept up to our classification.

Now, there are a great many little points that come in there which I will not attempt to explain. One thing, in going outside, is the anchors and chains. To have large anchors and chains under our classification for the coastwise, and the bays and rivers call for smaller sizes. They come up to our rules and even come above them.

Mr. SMALL. A while ago you referred to south of Hatteras.

Capt. PROCTOR. To south of Hatteras; yes, sir.

Mr. SMALL. You mean the route inside of Hatteras?

Capt. PROCTOR. Inside of Hatteras, to avoid going around Hatteras.

Mr. SMALL. That is the inland waterway to Beaufort to which you referred?

Capt. PROCTOR. Yes, sir; and for the anchors and chains, they have lived up to our rules, and I have never hesitated to recommend to the insurance companies that they are a safe risk; and they are taking them to-day—the foreign insurance companies are taking those barges. We have calls for them right along, all the time, and consider they are good business. They are making money on them, and they do not hesitate to take the cargoes on them at all.

And I can not agree with some of the gentlemen that the barges have reached their zenith north of Cape Hatteras; I do not think so. I think the barge transportation is just beginning. There has been a very wide difference between the economy of a steamer and the schooner that has got to be filled in some way. And the demands of the commerce is that delivery shall be guaranteed in carrying the commerce back and forth, which the schooners can not give, and it has got to be done by the same power that will carry the vessels in. And I have failed to see anything so far, in my study, that can carry that cargo as safely as the barges towed by tugboats along the coast, and those barges in particular. Those barges are of a type or a model that they are easily towed by the boats—that is, it is possible for a boat to tow 500,000 feet of lumber, where, if you put that power into one boat she probably would not move it, and it would be a failure. And along those lines I look upon this type of shallow-draft barges to take up and develop that commerce, and I can not see where there is any limit to it in the southern commerce; I can not see why they are not compelled to have it.

Mr. SMALL. The present limit of draft along this inland waterway, from the Chesapeake Bay to Beaufort Inlet, is not exceeding 9 feet.

Capt. PROCTOR. About 3 weeks ago I went over it in the Engineer Department, went over the plans, and they told me that inside of two years they expected to have 12 feet down there.

Mr. SMALL. When it is completed?

Capt. PROCTOR. When it is completed they expect to have 12 feet of water; and that 12 feet of water will practically carry a barge of double the size of the present barges.

Mr. SMALL. The present barge can not carry a draft of more than 9 feet loaded.

Capt. PROCTOR. Yes; but they are going half load, light loaded, some of them; that is, the larger ones. And when they go down to Beaufort, inside of Hatteras, we consider that the barges of that type are perfectly safe for navigation. The only thing is Frying Pan Shoals, which we have to contend with, and not Cape Fear.

Mr. SMALL. Frying Pan Shoals are off Cape Fear bar?

Capt. PROCTOR. Off Cape Fear. Going south, the worst winds they have to contend with there are southwestern; but they are protected on the north side. And coming from the southeast they have an opportunity to go around and go in at any time. With a westerly wind they can always work around Frying Pan Shoals.

Mr. SMALL. So that any danger from Frying Pan Shoals off Cape Fear as compared with Cape Hatteras is very much less.

Capt. PROCTOR. Oh, Cape Hatteras is entirely different. If you go around Cape Hatteras, around Diamond Shoals, you have to get in the influence of the Gulf Stream into the uneven sea of the Gulf Stream, or to go into the edge of it.

Mr. SMALL. A choppy sea.

Capt. PROCTOR. A choppy sea, where it is notoriously the worst navigating there is on the Atlantic coast.

Mr. SMALL. And you are referring to a type of barge now to go around Hatteras?

Capt. PROCTOR. I mean Hatteras; yes, sir. When I said Frying Pan Shoals just now, I meant Diamond Shoals.

Mr. SMALL. You are referring to the type of barge which goes from New York, Philadelphia, Baltimore, and Norfolk through this inland waterway lying inside of Hatteras?

Capt. PROCTOR. Yes, sir.

Mr. SMALL. Entering the ocean again at Beaufort Inlet?

Capt. PROCTOR. Yes, sir.

Mr. SMALL. And then engaging in the coastwise trade on the ocean south?

Capt. PROCTOR. From there south. You are still in on soundings and always on anchorage where you can get an even sea coming in.

Mr. SMALL. And over Frying Pan Shoals, off Cape Fear, to which you referred, they are not a prohibitive danger at all, and there is always safe navigation from there as far south as Florida?

Capt. PROCTOR. I consider it is; yes, sir. There is no place there where you have over 100 miles from port to port, and surely any man of any competence to navigate in any way, who is competent to hold a pilot's license, can familiarize himself with the conditions

along that coast, where he can take advantage of the harbors in such a way that I do not consider that it is a dangerous proposition. I do not consider that there is any danger in the proposition at all of navigating barges up and down that coast. Light-draft barges I am speaking of now.

Mr. SMALL. Will you kindly give your opinion, based on your experience, as to the outlook for the growth of this barge traffic between ports south of Hatteras and ports north of Hatteras, using this inside route?

Capt. PROCTOR. As I said before, sir, I do not think there is any limit to it. I am told by the lumber people in Georgia that their large mills are moving back on the shallow rivers, and they have to go to them for their lumber, and they have no prospect of the Government improving those rivers for them, where they can take deep-draft vessels to them. They will improve the bars, but they are slow about improving these rivers.

Mr. SMALL. But they are accessible to this type of barge?

Capt. PROCTOR. They are accessible to this type of barge, which can go to those mills and go to the smaller cities and towns that are in on those rivers with a bulk cargo such as they carry on these barges, which those cities use.

Mr. SMALL. You hold a Government pilot's license?

Capt. PROCTOR. Yes, sir.

Mr. SMALL. Will you kindly explain how those licenses are obtained? Of course, they are subjected to an examination, but are the applicants examined as to their knowledge of the local waters and the entrances to those harbors?

Capt. PROCTOR. I can say that I was very carefully examined as to my competency to navigate in those bars, and especially of the St. Johns bar and at Charleston. In most places I was asked to go to the Engineer Corps and have them indorse me as to whether I was familiar with the conditions of the bars, and I did so.

Mr. SMALL. Take the steam tug with a Government licensed pilot on board towing this style of barges to which you have referred: Is there any necessity, for the protection of the barge or its cargo, in entering any of those ports from the ocean of having a State local pilot on the barge?

Capt. PROCTOR. Judging from my experience in going in and out of those rivers, after a towboat and having the pilot on board, I do not believe that the pilot adds one iota to the safety of that barge. I think that she is safer in the hands of the man who has been schooled in the handling of that barge and following that vessel that is towing him.

Mr. SMALL. As to the barge only having to follow the tug, what is your opinion of the capacity of the men on the barge to steer that barge as compared with a local pilot?

Capt. PROCTOR. On these barges signals are always arranged with the towboat, and it signals those barges what to do; and they are thoroughly competent to do that and do do it. There is a regular code, a regular method of handling the barges from the towboats by signal, and that is done and they follow them very carefully. In all my navigating around the coast, wherever I came in contact with the barges, and everything of that kind, I have always found that

very carefully followed out, and as long as I kept in communication with the towboat I had nothing to fear from the tow.

Mr. SMALL. If a State pilot went on the barge would he control the movements of the tug?

Capt. PROCTOR. I do not see how the captain of the towboat can allow a State pilot to go on the barge and control him in navigating, not only over the entrance of the bar to the river, but anywhere. He is responsible to the Government which has issued that license to him, and the Government is holding him responsible, and he is responsible to the owner. And I can not understand how he would even allow a pilot, if he was on board of his own ship, to become solely responsible for him, inasmuch as he is responsible to the Government and looks to his license for his living; and especially to put a pilot on the barge and allow him to dictate how he should go—I can not conceive of that. And I do not think it is done, and I do not think any man holding a license, that is worthy of holding that license, would allow him to do so.

Mr. CURRY. How could he stop him?

Capt. PROCTOR. He would not obey his orders.

Mr. CURRY. If he accepts the pilot under the State law, and the pilot comes aboard of the ship, how can he stop him from taking control?

Capt. PROCTOR. He may think he is taking control. But when the pilot goes on board of the barge and the towboat is leading the way that barge can not sheer. The stern barge might sheer, and the middle barge. They are on a hawser and you can sheer them to a very limited extent, but only to a very small extent. The stern barge might be sheered perhaps more or less. But he even is not going to allow that, and that is generally understood that that barge captain does just what he tells him to.

Mr. SMALL. Have you had any experience in barge navigation?

Capt. PROCTOR. No, sir; not in towing barges or anything of that kind.

Mr. SMALL. You are a master of sail vessels?

Capt. PROCTOR. I have been a master of sail vessels; yes, sir. I have been towed in and out of all the ports of the South, practically, in sailing vessels.

Mr. SMALL. In your experience, under the State laws of the South Atlantic States where sailing vessels are subject to pilotage while being towed in, did you ever get any benefit from the local State pilot?

Capt. PROCTOR. I am free to admit I have tried to figure out where I got any benefit from the pilot when I had the towboat ahead. And I say that in this way: When the towboat took hold of the vessel he was responsible for everything that happened to her, and he would hold me responsible for anything that happened, and I have never been able to see where the pilot was responsible for anything that happened to her, so I followed the towboat, and I saw that the pilot did. Of course I have seen pilots walk around from one side to the other and assume they were in control, etc., and I would let them do it as long as everything went along all right. But I always considered the pilot was an assistant to me, and I don't think he commands the ship.

Mr. SMALL. That is on a schooner or sail vessel?

Capt. PROCTOR. Yes; he came aboard and assisted me to enter the port. I do not say that to belittle the ability of the pilots; they are a very able class of men—there is no mistake about that—and they, of course, understand local conditions. I do not say that to belittle them in any way; but, with the possible exception of the Mississippi bar, I am still looking for the benefits that I got from paying pilotage when I had a local towboat ahead, and those towboats are going out and in over the bar sometimes several times a day. They go out and in over the bar a great deal more than the pilots do. And, generally speaking, if you get right down to it, you will get better information from the towboat captain than you can from the pilot.

Mr. SMALL. You are speaking of steamships?

Capt. PROCTOR. I am speaking of steamships with licensed masters.

Mr. SMALL. Which make a business of towing vessels in?

Capt. PROCTOR. Yes, sir; the Government licensed masters on towboats.

Mr. SMALL. You referred to the Pass at the mouth of the Mississippi River. You are not familiar with that, I believe?

Capt. PROCTOR. I am familiar with the conditions that exist. I have a great many friends there, and in fact I have a brother there in the service, and I know that it is quite difficult there at times when the river is up, and they have conditions to contend with that exist on none of the other bars.

The CHAIRMAN. That is at the mouth of the Mississippi?

Capt. PROCTOR. Yes, sir. The only thing to approach the Mississippi is the Pollock Rip Shoal or Nantucket Shoal.

Mr. SMALL. You regard that as very dangerous?

Capt. PROCTOR (continuing). And perhaps the East River into Hell Gate.

Mr. SMALL. You regard that as very dangerous?

Capt. PROCTOR. I do, in towing heavily loaded barges.

Mr. SMALL. Tell us about the conditions of the upper end of the East River at Hell Gate, which leads into Long Island Sound.

Capt. PROCTOR. I think that Hell Gate is said to be, if not the most, one of the most difficult places to navigate anywhere in the United States.

Mr. SMALL. Why?

Capt. PROCTOR. On account of the tides; with the narrow, crooked channel and the tides and obstructions in the river, etc., and the great amount of traffic that is going back and forth through it.

Mr. SMALL. And there is no compulsory pilotage on coastwise shipping there?

Capt. PROCTOR. No, sir; that is, no compulsory pilotage on enrolled vessels. Registered vessels, of course, pay pilotage.

Mr. SMALL. When you refer to registered vessels, you mean vessels engaged in the foreign trade?

Capt. PROCTOR. No, sir; registered vessels may engage in the coastwise trade anywhere, but always subject to pilotage.

Mr. SMALL. But only the registered vessel could engage in the foreign trade?

Capt. PROCTOR. You can engage in the coastwise trade with a registered vessel just the same. You can coast with a registered vessel.

Mr. SMALL. But only a registered vessel can engage in the foreign trade?

Capt. PROCTOR. Yes, sir; in the foreign trade. You can not engage in the foreign trade with an enrolled vessel.

Capt. MICHELL. You have stated that you have a license for various ports?

Capt. PROCTOR. Yes, sir.

Capt. MICHELL. Have you taken any soundings yourself from boats going in and out, or have you ever had any opportunity to sound the channels in those ports?

Capt. PROCTOR. I do not think, Capt. Michell, that I would any more think of going in or out of one of those ports without lead on both sides of the ship than I would think of running into the end of the jetties.

Capt. MICHELL. And that is on your way in and out?

Capt. PROCTOR. In and out; yes, sir.

Capt. MICHELL. That would be on the particular ranges?

Capt. PROCTOR. Yes, sir; navigating off of Cape Fear Bar at Charleston.

Capt. MICHELL. And if you should get out of the channel, either one way or the other, you would sound?

Capt. PROCTOR. I do not understand your question.

Capt. MICHELL. If you would get out of the channel, away from the ranges, you would take soundings on the sides of the channel?

Capt. PROCTOR. My soundings would always be registered, and, of course, if there was an obstruction in the channel which I wanted to avoid, I would go in and out on the ranges. But I can say without any fear of contradiction that I know the channels well enough to be able to vary enough to avoid anything I might meet in the way of moving obstructions on the channels.

Capt. MICHELL. That is going in and out on the ranges?

Capt. PROCTOR. Yes; or going in or out of Charleston. I was always in communication with the engineers' office there, and with the dredges on the bar; and I have even stopped and communicated with the sand scows on the bar to find out if the channel was moving, or anything of the kind.

Capt. MICHELL. And that was your principal information as to the condition of the channel?

Capt. PROCTOR. Yes, sir. On the St. Johns Bar you always go in at right angles to the jetty, which makes it very difficult of navigation, and the ranges are always changed by the engineers, and they always give that from day to day—the ranges on the beach and on the jetty are always changed to suit it.

Mr. EDMONDS. You spoke of insurance a while ago. Do you know anything about the insurance business?

Capt. PROCTOR. I have been in it for 12 years and have made a close study of it.

Mr. EDMONDS. If you abolish compulsory pilotage at New Orleans, would that advance the rates for ships going in there?

Capt. PROCTOR. I made that inquiry from three different men who pass upon the insurance risks that come into the companies in New York. The three men are what is known as the Holland Writers' Association Risk, and I asked this question: If pilotage on

vessels being towed in and out over southern bars was abolished, would you consider that it was any detriment to the vessels being towed? And they told me: No, unhesitatingly, if they were employing local boats to tow them, or if they were being towed by boats running regularly on the coast and keeping familiar with the conditions in and out of ports, or fairly familiar, and say, making trips back and forth down to the different ports on the Atlantic coast.

Mr. EDWARDS. I am just speaking now about the Gulf coast. There seems to be more difficulty about the entrance to the Mississippi than the ports on the Atlantic coast.

Capt. PROCTOR. Undoubtedly there is more difficulty at the entrance to the Mississippi than there is anywhere else.

Mr. EDMONDS. You say the insurance people you have talked with would feel that it was absolutely unnecessary that there should be a pilot on the barges going into the Mississippi?

Capt. PROCTOR. No; not if being towed.

Mr. EDMONDS. Would they require a pilot on the tugboat that was towing them?

Capt. PROCTOR. Not necessarily; no. They do not call for that at all in any of their policies.

Mr. EDMONDS. And they would not consider it increased the risk to have the boat go in and out without a pilot?

Capt. PROCTOR. Oh, they do not consider the pilot on those boats adds anything to the safety of the boat.

Mr. EDMONDS. Even on the Mississippi?

Capt. PROCTOR. Even on the Mississippi. As one man put it to me, they don't want him to go on the vessels and get to humbugging the captains, so that he would not follow the instructions of the captain of the towboat. They are rather inclined to look at it as an interference instead of as a matter of safety.

Mr. EDMONDS. The insurance companies of course look into these matters closely, and you say that they would be satisfied that a tug, with a Government pilot on it, towing three barges up the Mississippi, was absolutely safe, so that they would not have to raise the cost of the insurance; then I should think that a safe port to go into.

Capt. PROCTOR. The insurance companies look at it this way, that if they will put a pilot aboard of that tug to assist the captain on the tug to take those barges in they will consider it safe; but as to putting pilots on the barges and attempting to direct their towing they will not consider it safe under any consideration.

Mr. EDMONDS. Would they reduce the insurance rates if you put a pilot on the tug?

Capt. PROCTOR. I do not know whether they would reduce the insurance rate from what it is now. They consider that the man who is thoroughly familiar with those channels, who keeps posted on the channels in and out, is just as good as a local pilot, if not better, because he knows more about the vessels than the pilot does.

Mr. SMALL. You are referring to the Government licensed pilot?

Capt. PROCTOR. I am referring to the Government licensed pilot.

Mr. EDMONDS. Do they investigate them very carefully before they take the risk? Do they investigate him a little to know whether he is a man who has had some experience on that channel?

Mr. PROCTOR. When the risk comes in, naturally it has to be passed on by some one. We pass on a great deal of that, where there is no

marine man competent to pass on that risk, and the office usually refers it to us; and on the question of the moral risk, it becomes a question as to whether the captain is competent or whether he is thoroughly acquainted on the bar that he is going to navigate.

Mr. EDMONDS. Suppose, at that time, a man was employed on the tugboat who was not absolutely competent, what would the insurance people do?

Capt. PROCTOR. They would ask him to take a pilot.

Mr. EDMONDS. They would ask him to take a pilot?

Capt. PROCTOR. They certainly would ask him to take a pilot.

Mr. EDMONDS. They would not insure him unless he did?

Capt. PROCTOR. They would not insure him unless he did. Well, I say they would not insure him; they would make his risk prohibitive. They would not tell him, perhaps, they would not take the risk, or anything of that kind; but they would make it a prohibitive rate, which is the usual way of doing it. They do not tell the captain or the owners or anyone that they are not competent of managing their business.

Mr. EDMONDS. I understand.

Mr. SMALL. And if the master of the steam tug had a Government license for those particular waters they would regard that as satisfactory?

Capt. PROCTOR. We generally keep run of those men sufficiently to know that they are competent of navigating at that particular place. Now, I am very friendly with all of the captains of the American Line, and they tell me about the Mississippi River and of the difficulties of navigating there, and they carry pilots all of the time to assist them; that is, to keep track of those changing conditions in the Mississippi that Capt. Michell speaks of.

Capt. MICHELL. Have you made inquiry regarding the insurance recently applying to New Orleans?

Capt. PROCTOR. I have not inquired especially regarding New Orleans.

Capt. MICHELL. Do you know that there are no regular tugboats at the mouth of the Mississippi River?

Capt. PROCTOR. Yes; I am familiar with the fact that the pilot boats attends to things when the boats are not down there—attends to the towing in the river.

Capt. MICHELL. Are you aware that most of the tugboats there, with barges going in and out, take pilots?

Capt. PROCTOR. I know that they do; yes; but I have been told by more than one of them that they take them because they are compelled to.

Capt. MICHELL. On the towboats?

Capt. PROCTOR. They feel that they have to take the pilots, and they feel like making them earn their pay.

Capt. MICHELL. On the towboats?

Capt. PROCTOR. No; not on the towboats.

Capt. MICHELL. I am asking about the towboats. My question was this: Do you know that all of the towboats with barges take pilots on board?

Capt. PROCTOR. I do not know that all of them do; no, sir.

The CHAIRMAN. On board of the towboat?

Capt. MICHELL. Yes; most all of them.

Capt. PROCTOR. No, sir; I did not know all of them did. I was under the impression that those running short coastwise, in and out, did not take pilots.

Capt. MICHELL. Most all of them do take pilots, and there is no charge. They take the pilot to help out.

Mr. EDMONDS. Does the law require them to do that, Captain?

Capt. MICHELL. No, sir. They ask for assistance.

Mr. EDMONDS. And without any charge?

Capt. MICHELL. We do not charge, except we charge for the pilot on the barge; but there are very few barges that can enter that pass without our assistance. Whenever they have attempted to they have met with disaster.

STATEMENT OF MR. R. S. SALAS, OF SAVANNAH, GA.

Mr. SMALL. Mr. Salas, are you the owner, or do you represent the owners, of steam tugs and barges engaged in the barge traffic?

Mr. SALAS. Yes, sir.

Mr. SMALL. To what extent, and where do they sail?

Mr. SALAS. Our tug *Protector* handles most of the barges in the South Atlantic trade from Wilmington to Jacksonville.

Mr. SMALL. And she tows barges between those ports?

Mr. SALAS. Nearly every day.

Mr. SMALL. What ports does she enter from the ocean?

Mr. SALAS. Wilmington, Charleston, Port Royal, Savannah, Brunswick, Fernandina, and Jacksonville.

Mr. SMALL. Of course, the master of your tug *Protector* is a Government-licensed pilot?

Mr. SALAS. Yes, sir.

Mr. SMALL. How long have you been engaged in this barge traffic, Mr. Salas?

Mr. SALAS. In the barge traffic—about two years.

Mr. SMALL. Will you state to the committee whether or not there is any necessity for the services of a local pilot on the barges towed by your tugs?

Mr. SALAS. There is not, sir.

Mr. SMALL. Why do you say that there is no necessity?

Mr. SALAS. We are towing constantly two barges between Charleston, Savannah, and Jacksonville with coal. Those barges at present have been licensed at Savannah by the pilots' association there, and we come in at all hours of the night and go out at all hours of the night, both at Charleston, Savannah, and Jacksonville, and we carry no pilots.

Mr. SMALL. You mean that the pilots' association issues your barges a license?

Mr. SALAS. Yes, sir.

Mr. SMALL. Which exempts them from using pilots?

Mr. SALAS. Yes, sir.

Mr. SMALL. Then, you pay so much annually?

Mr. SALAS. Yes, sir; for those two barges.

Mr. SMALL. And they are not served by the local pilots?

Mr. SALAS. No, sir; they are not served by the local pilots.

Mr. SMALL. At what ports do you have an arrangement of that kind?

Mr. SALAS. Savannah only.

Mr. SMALL. And you say that they go in and out in the nighttime as well as in the daytime?

Mr. SALAS. At all hours of the night, sir.

Mr. SMALL. You mentioned coal as one of the cargoes; what else do they carry?

Mr. SALAS. They ship coal entirely, and also coal from Charleston. They have a new terminal that has just been completed there for coal from Charleston to Jacksonville.

Mr. SMALL. That has just been opened?

Mr. SALAS. It was opened September 1, 1915.

Mr. SMALL. By some railroad?

Mr. SALAS. By the Southern Railway. It is their new coal terminal.

The CHAIRMAN. This captain of your tug is running on this route continuously?

Mr. SALAS. Yes, sir; for 20 years.

The CHAIRMAN. And hence is quite as familiar with the local waters as a local pilot would be?

Mr. SALAS. Yes, sir; he is very familiar.

The CHAIRMAN. Both with the coast waterways and the inland waterways?

Mr. SALAS. Yes, sir.

Mr. EDMONDS. Do you pay the pilots at Charleston?

Mr. SALAS. I do not know what arrangement the barges have at Charleston.

Mr. EDMONDS. Or at Jacksonville?

Mr. SALAS. I do not know what arrangement they have at Jacksonville either, sir.

Capt. MICHELL. You stated that the pilots issued you a license.

Mr. SALAS. Issued to the barges.

Capt. MICHELL. Are they issued by the pilots of the State?

Mr. SALAS. They are issued by the pilots' association.

Capt. MICHELL. Under the State law?

Mr. SALAS. Under the State law—no, sir; under the pilot commissioners' rules and regulations.

Capt. MICHELL. They are created by the State?

Mr. SALAS. No, indeed; they are under the pilot commissioners' rules and regulations.

Capt. MICHELL. This commission is created by the laws of the State?

Mr. SALAS. Yes, sir; but the rules of the pilot commissioners govern.

Capt. MICHELL. Yes; the pilots have nothing to do with that arrangement.

Mr. SALAS. Yes; it is the pilot commissioners.

Capt. SPENCER. I would like to correct you there. The State of Georgia has passed a law regarding this license system, and the commissioners fulfill the law.

I would like to ask Mr. Salas whether or not it is true that the tug *Protector* has at any time anchored barges on the ranges in Charleston Harbor and complaints have been made of that on the

part of the coastwise vessels—of steam vessels anchoring directly on the ranges in the port of Charleston? Do you know of that, sir?

Mr. SALAS. I never heard of it.

Capt. SPENCER. Do you know whether it is correct or not?

Mr. SALAS. I never heard of it.

Mr. CURRY. Do you know?

Capt. SPENCER. I have been advised by the Charleston pilots that is correct.

Mr. CURRY. It is not right to ask questions of that kind and have them go in the record unless you know it to be a fact.

Capt. SPENCER. I am just asking that. I do not belong at Charleston; but I have been advised that there are complaints of the tug *Protector* anchoring on the ranges.

Mr. SMALL. May it please the chairman and the committee, I protest against hearsay evidence from Capt. Spencer. It seems to me that we have had enough of that, with no chance to cross-examine the other witnesses—to have a witness come up and say what he has heard.

The CHAIRMAN. We are going to conclude this hearing this evening, and it would lead to an interminable hearing to follow up these hearsay statements.

Capt. SPENCER. I simply wanted to correct that statement regarding the State licenses. I know that the State law provides for that and not the pilots—the pilot commissioners under the authority of the legislature of the State.

Mr. SMALL. Do you now undertake to say that by law of the State of Georgia, either the pilot commissioners or the pilotage association are authorized to issue a license to barges for a money consideration, by which they shall be exempted from the actual services of a pilot?

Capt. SPENCER. If they desire to take these licenses.

Mr. SMALL. Can you cite the law?

Capt. SPENCER. I can show it to you in the code of Georgia.

Mr. SMALL. I beg you to do it, and ask the chairman to have it put in the record. Understand the question, please: The law of the State of Georgia authorizes either the pilot commissioners or the pilotage association to exempt barges from the actual services of a pilot upon the payment of a money consideration only.

Capt. SPENCER. Coastwise vessels, it states, Mr. Small; it does not specify barges.

Mr. SMALL. Just cite, if you can, that law and hand it to the clerk so that it may go into the record.

I desire to incorporate the following resolution in the record:

BOARD OF TRADE AND BUSINESS MEN'S ASSOCIATION,
Norfolk, Va., February 8, 1916.

HON. JOHN H. SMALL,
House of Representatives, Washington, D. C.

MY DEAR SIR: The following resolution was unanimously adopted by our board of directors at a meeting held this afternoon:

"Resolved, That the board of directors of the Board of Trade and Business Men's Association of Norfolk, Va., hereby approves the bill recently introduced in Congress eliminating the pilotage charges on barges at southern ports; and be it further

"Resolved, That a copy of this resolution be forwarded to Senators Martin and Swanson, and also to Congressmen Holland and Small."

Yours, very truly,

JOHN A. LESNER, *President.*

The CHAIRMAN. I desire to incorporate a letter written to Hon. George Huddleston from Mr. W. C. Shackelford:

BIRMINGHAM, ALA., February 23, 1916.

HON. GEORGE HUDDLESTON,
Washington, D. C.

MY DEAR SIR: I notice in the newspapers in the last few days that the river pilots are now busy in Washington fighting a bill introduced by Congressman Small, of North Carolina, for doing away with the services of pilots, provided the master of the vessel holds a Government license, etc.

I take the liberty of writing you on this subject, and inclosing some information, which I have obtained, in my endeavor to do some coal business in Cuba in 1914. This statement shows the comparative port cost and expense in handling a schooner of 1,200 tons' capacity of coal from Philadelphia and Mobile.

The difference you will note amounts to \$341, and is made up practically in towage and pilots' charges, excess at Mobile. In further explanation of this transaction, I beg to say that in 1914 I was interested in a coal contract for delivery in Cuba, amounting to something like 50,000 tons in sight.

I arranged for a small schooner of 900 tons and had delivery made from Mobile to the port mentioned in April, 1914, and my coal proved satisfactory. In the following July I got another contract arranged for of 1,200 tons of coal to go forward during August, and in my endeavor to get a vessel with freight rate, to enable me to again get in this market, I ran up on the information which I inclose you, showing these port charges at Mobile as compared with Philadelphia port charges.

Pending my negotiations, unfortunately, the war in Europe came on, and, in consequence, I could not get a vessel for love or money, and I lost out on that account.

As I see it, and with the information I have in hand, Mobile is a seaport with existing towage and pilotage charges, together with some other port difficulties, which will make it simply an impossible proposition for any one in Alabama to compete with any other southern port on the gulf or Atlantic coast in shipping any product.

From the information I get, Mobile has something like 30 feet of water, and it is something like 30 miles to deep water on the Gulf, and the towage from other Gulf and Atlantic Ocean seaport cities ranges from 10 to 76 miles, and all with less cost.

Now, understand, I am not inclined to raise the question as to the merits of the pilot or towboat charges, but as we Birmingham people, and the entire State of Alabama, are vitally interested in Mobile as a port, we take it that our Congressman will join us and see that Mobile is made a port equal to the best in the country, and with all the facilities, and with reasonable cost in handling export business, without limit, except as to our capacity and ability to handle and give us the full benefit of the Warrior River.

If you will interest yourself in this matter I would be glad, if wanted, to furnish you further information on the subject, as I am also sure many of your friends around Birmingham can perhaps give you more of it than I can. I am,

Yours, very truly,

W. C. SHACKELFORD.

EXHIBIT TO MR. SHACKELFORD'S LETTER.

PHILADELPHIA AND MOBILE PORT CHARGES COMPARED.

(Philadelphia to Cay Frances, Cuba, 1,200 tons coal, September 1914.)

Commission on charter	\$114
Docking at coal dock, tow	10
Towage down the Delaware River	70
Loading and trimming cargo coal, 7 cents	84
Discharging coal at Cuba, 20 cents	240
Clearing and Cuban consul fee, Philadelphia	25
All Cuban customhouse, pilot and consignee charges, Cuba	185

728

There are other charges, but this will do. There is no pilotage on coal to foreign ports or any ports out of Philadelphia.

300. EXEMPTING BARGES FROM COMPULSORY PILOTAGE.

MOBILE—SAME PORT.

Commission charter, should be more as freight should be higher	\$114
Tow, docking at coal dock	10
Mobile Bay, up and down, towage 30 cents ton	240
Pilotage compulsory, foreign	130
Harbor master's fee	5
Loading and trimming coal, at 10 cents per ton	120
Discharge in Cuba	240
Clearing and Cuban consul fee	25
All customhouse, pilot, and agent's fees, Cuba	185

	1,069
Philadelphia charges	728

Mobile excess charges	341
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This is the difference between shipping coal from Philadelphia to Cuba and Mobile to Cuba about 25 cents per ton.

Mobile port, excess charges made up as follows:

Towage up and down bay	\$170
Pilotage, compulsory	130
Harbor master	5
Loading and trimming vessel	36

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The CHAIRMAN. I desire to put in the record the following letter from the president of the American Association of Masters, Mates, and Pilots, Brooklyn, N. Y.:

BROOKLYN, N. Y., February 28, 1916.

HON. J. W. ALEXANDER,

Chairman Committee Merchant Marine and Fisheries,

House Office Building, Washington, D. C.

DEAR SIR: The national executive committee of this association has read very carefully a copy of the hearing before the Committee on Merchant Marine and Fisheries on H. R. Bill 9678, a bill to exempt from compulsory pilotage the barges while in tow of steam vessels navigated by Government pilots, had on February 1, 8, and 9.

After due consideration of all the evidence adduced at these hearings there seems to be but one objection on the part of the barge interests and that is the payment of pilotage for service not rendered, which is a reasonable stand to take, but the remedy they seek to avoid this payment is not, in our opinion, the right course to follow, because they claim that a barge doesn't need a pilot when in tow of another vessel which has a Government licensed pilot on board. This is also wrong, in our opinion, as the licensed pilot should not be compelled by any one to pilot only one vessel, and should he have another in tow that other vessel should be under the directions of another pilot as competent to pilot the barges as the master is to pilot the tug. This precaution should be taken in the interest of other vessels as well as the towing interest.

There is one very particular point to be considered which seems to have been forgotten by those explaining the method of navigating these tows and the different formations they make in going in or coming out of port. As a rule these barges tow better on a long hawser, say from 600 to 900 feet, and whenever this can be done advantage is taken of it, although the law does not permit them to use over 450 feet while towing on inland waters. Now, a tow of one tug and three barges of ordinary size towing on 75 fathoms or 450 feet of hawser will cover a distance of about 2,000 feet and from that to 3,000 feet whenever opportunity affords, which is from one-third to one-half of a nautical mile, with the tugboat 400 to 500 feet ahead of the first barge going around a bend, and if the man on the barge is not as good a pilot as the one on the tug that tow is liable to be of much trouble to other vessels while passing in crowded channels and rivers. The bar pilots testimony to this effect is correct, therefore we believe the system of compulsory pilotage in these particular harbors and rivers, viz, Cape Fear Bar and River, Charleston, Savannah, Fernandina, Daboy, Jacksonville, Tampa, and Mississippi River is a good system, as all of these harbors have bars of shifting sand and are subject to

change of channel during any heavy storms. We believe, however, that the barges should be compelled to take pilots and the pilots should be compelled to go on board and render such service as is necessary, either to the tug or to the barges, or both, as the case may require.

We also believe it would be unfair to pass a law which will increase the responsibility of the licensed officer beyond that which he now has to bear. Both sides have had their say, but no one has spoken for the tug master except Capt. Brown and no doubt he speaks for himself.

As to the representatives of the licensed officers, and especially those in command of towing vessels, we most emphatically protest against this bill becoming law as it places the responsibility on one man of navigating three to four vessels in crowded waters when there is nothing to be gained by so doing except to save this small sum of pilotage for the owner. The licensed officer has not asked to have this extra work placed upon him, therefore no one else should be allowed to be instrumental in doing so.

Thanking you to have this letter placed in the records as opposing the bill, we beg to remain,

Yours, very truly,

[SEAL.]

JOHN H. PRUETT, *National President*
(For the National Executive Committee).

The CHAIRMAN. The following statement was submitted to be incorporated in the record:

UNITED STATES OF AMERICA.

STATE OF NEW YORK,

City and county of New York, ss:

To whom it may concern:

Be it known that on the 24th day of February, 1916, before me, Harry C. Poillon, a notary public in and for the State of New York, by letters patent, under the great seal of the said State, personally came Capt. Frank H. Meader, master of the tug *W. B. Keene*, who, upon oath, deposes and says:

I hold a master's United States license for steam and sailing vessels of any size on any ocean, and I also hold pilot's license for the principal bars and harbors between Calais, Me., and Fernandina, Fla.

I have traded between southern and northern ports for the last 20 years; first, in sailing vessels, and for the last 7 years in tugboats.

In order to obtain a license for southern ports it is necessary to pass a rigid examination, the same as that required for northern ports.

In my opinion anyone passing the examination of the United States inspectors for these ports is unquestionably qualified to act as pilot for same.

My experience has been that with the knowledge necessary to pass these examinations the piloting of tugboats with tows of barges in and out of ports in South Carolina, Georgia, and Florida, is no more difficult than at northern ports.

FRANK H. MEADER.

Subscribed and sworn to before me this 24th day of February, 1916.

[SEAL.]

HARRY C. POILLON,
Notary Public, Westchester County.

Certificate filed in New York County, No. 94; New York register, No. 6166; term expires March 30, 1916.

The CHAIRMAN: The hearings on this bill are closed.

22.2







